

1R - 377

**GENERAL
CORRESPONDENCE**

YEAR(S):
2003 - 2002

August 24, 2003

RECEIVED

AUG 27 2003

**OIL CONSERVATION
DIVISION**

NMOCD Environmental
ATTN: Bill Olson
Box 6429
1220 S. Saint Francis Drive
Santa Fe, NM 87504

RE: Marks and Garner Production
R.W. Duncan

Mr. Olson:

Pursuant to your notice dated 7/25/03, within is Marks and Garner work plan and response to your letter.

On January 24, 2002, we were directed by the Hobbs OCD to plug the Duncan well and remove all equipment and tank battery within 45 days. This task was completed according to OCD Rule 202, Marks and Garner filed all subsequent reports and the site was inspected and released.

As you are aware, we abandoned this well and location not because of any operating violation, but because of constant landowner harassment. To my knowledge, Marks and Garner have not had any spills or leaks during its operations.

Even though we are reluctant in proceeding with any other work on this lease, we will do as ordered and cooperate with your request. Find within work plan as requested.

WORK PLAN

The work plan will be a two phase project, one, the investigation and then the remediation if necessary.

INVESTIGATION:

- 1) Using a backhoe, Marks and Garner will obtain samples from various spots at the Duncan tank battery and the P & A well site.
- 2) The samples will be taken at various depths and composited for TPH and chloride testing.
- 3) Marks and Garner will follow the OCD guidelines for Remediation of Leaks, Spills and Releases.
- 4) Marks and Garner will notify the Hobbs OCD at least 48 hrs. prior to any testing event.

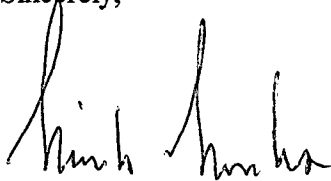
- 5) The OCD will be sent a copy of the sampling exercise. After reviewing analytical, Marks and Garner will proceed with the remediation as OCD approves.

REMEDICATION:

- 1) Marks and Garner will remediate the site according to OCD guidelines. We will either excavate and haul, or blend on site depending on the extent of the contamination.
- 2) Marks and Garner will file a subsequent report of all activities including report, analytical and photos.

If you have any questions, please feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Link Marks", written in a cursive style.

Link Marks
Marks and Garner Production
(505)396-5326



State of New Mexico
ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT
Santa Fe, New Mexico 87505

STATE OF
NEW MEXICO
OIL
CONSERVATION
DIVISION

MEMORANDUM OF MEETING OR CONVERSATION

<input checked="" type="checkbox"/> Telephone	<input type="checkbox"/> Personal	Time 1450	Date 8/13/03
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Originating Party

Presley Duncan -

Other Parties

Bill Olson - Finance Bureau

Subject

Marks & Gurner - R.W. Duncan Battery

Discussion

He received OCP letter on this site
Called to check on status.

Told him work plan for remediation is due 8/25/03

Conclusions or Agreements

He will meet me at site in future to show their concerns
OCP will copy him on all correspondence

Distribution

Signed

Willie



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Lori Wrotenbery

Director

Oil Conservation Division

July 25, 2003

Mr. Link EL Marks
Marks and Garner Production, Ltd. Co.
P.O. Box 70
Lovington, New Mexico 88260

**RE: CASE # 1R-0377
R.W. DUNCAN TANK BATTERY
LOVINGTON, NEW MEXICO**

Dear Mr. Marks:

The New Mexico Oil Conservation Division (OCD) is in receipt of the Marks and Garner Production, Ltd. Co. (Marks & Garner) June 6, 2003 correspondence regarding closure of the R.W. Duncan Tank Battery located in the SE/4 of Section 6, Township 13 South, Range 36 East, Lea County, New Mexico. This correspondence provides information about land access issues at the site and states that Marks & Garner complied with all remediation plans at the time of closure.

On June 17, 2003, the OCD inspected the site and obtained soil samples from remediated areas at the tank battery. Attached is a copy of the OCD's soil sampling results. These sample results indicate that soils at the tank battery are contaminated with total petroleum hydrocarbons (TPH) in concentrations ranging from 12,056 mg/kg to 47,500 mg/kg. According to Marks & Garner's January 14, 2002 remediation plan, soils contaminated with TPH above 100 mg/kg were to have been remediated. Marks & Garner's remediation plan was approved by the OCD on January 24, 2002. The OCD's sampling results show that the tank battery site soils are contaminated well in excess of the proposed soil remediation levels and that Marks & Garner did not comply with their approved remediation plan.

Therefore, the OCD requires that Marks & Garner submit a work plan to remediate remaining contaminated soils at the R.W. Duncan tank battery site. The work plan shall be submitted to the OCD Santa Fe Office by August 25, 2003 with a copy provided to the OCD Hobbs District Office.

Mr.Link EL Marks

July 25, 2003

Page 2

If you have any questions, please contact me at (505) 476-3491.

Sincerely,

A handwritten signature in cursive script, appearing to read "Will Olson".

William C. Olson

Hydrologist

Environmental Bureau

xc: Chris Williams, OCD Hobbs District Office
Wraldo Presley Duncan

Report Date: July 2, 2003
030617

Work Order: 3061908
Marks & Garner

Page Number: 1 of 1
Duncan Lease

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JUL 09 2003

**OIL CONSERVATION
DIVISION**

Summary Report

Paul Sheeley
OCD-Hobbs
1625 N. French Dr.
Hobbs, NM 88240

Report Date: July 2, 2003

Work Order: 3061908

Project Location: Duncan Lease
Project Name: Marks & Garner
Project Number: 030617

Sample	Description	Matrix	Date Taken	Time Taken	Date Received
10642	0306171409	soil	2003-06-17	14:09	2003-06-19
10643	0306171417	soil	2003-06-17	14:17	2003-06-19
10644	0306171424	soil	2003-06-17	14:24	2003-06-19

Sample - Field Code	BTEX				TPH DRO	TPH GRO
	Benzene (mg/Kg)	Toluene (mg/Kg)	Ethylbenzene (mg/Kg)	Xylene (isomers) (mg/Kg)	DRO (mg/Kg)	GRO (mg/Kg)
10642 - 0306171409	<0.100	<0.100	1.34	6.22	17500	324
10643 - 0306171417	<0.200	<0.200	<0.200	<0.200	47500	<20.0
10644 - 0306171424	<0.100	<0.100	7.91	32.7	11100	956

Sample: 10642 - 0306171409

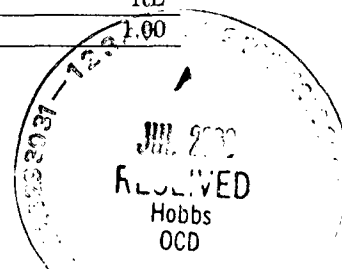
Param	Flag	Result	Units	RL
Chloride		1510	mg/Kg	1.00

Sample: 10643 - 0306171417

Param	Flag	Result	Units	RL
Chloride		230	mg/Kg	1.00

Sample: 10644 - 0306171424

Param	Flag	Result	Units	RL
Chloride		14900	mg/Kg	1.00



TRACE ANALYSIS, INC.

6701 Aberdeen Avenue, Suite 9
155 McCutcheon, Suite H

Lubbock, Texas 79424
El Paso, Texas 79932

800•378•1296
888•588•3443

806•794•1296
915•585•3443

FAX 806•794•1298
FAX 915•585•4944

E-Mail: lab@traceanalysis.com

Analytical and Quality Control Report

Paul Sheeley
OCD-Hobbs
1625 N. French Dr.
Hobbs, NM 88240

Report Date: July 2, 2003

Work Order: 3061908

Project Location: Duncan Lease
Project Name: Marks & Garner
Project Number: 030617

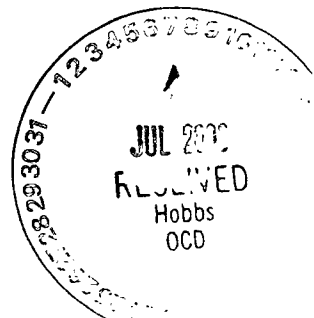
Enclosed are the Analytical Report and Quality Control Report for the following sample(s) submitted to TraceAnalysis, Inc.

Sample	Description	Matrix	Date Taken	Time Taken	Date Received
10642	0306171409	soil	2003-06-17	14:09	2003-06-19
10643	0306171417	soil	2003-06-17	14:17	2003-06-19
10644	0306171424	soil	2003-06-17	14:24	2003-06-19

These results represent only the samples received in the laboratory. The Quality Control Report is generated on a batch basis. All information contained in this report is for the analytical batch(es) in which your sample(s) were analyzed.

This report consists of a total of 10 pages and shall not be reproduced except in its entirety, without written approval of TraceAnalysis, Inc.

Dr. Blair Leftwich, Director



Analytical Report

Sample: 10642 - 0306171409

Analysis: BTEX
QC Batch: 2412
Prep Batch: 2187

Analytical Method: S 8021B
Date Analyzed: 2003-06-23
Date Prepared: 2003-06-23

Prep Method: S 5035
Analyzed By: CG
Prepared By: CG

Parameter	Flag	RL Result	Units	Dilution	RL
Benzene	1	<0.100	mg/Kg	100	0.00100
Toluene		<0.100	mg/Kg	100	0.00100
Ethylbenzene		1.34	mg/Kg	100	0.00100
Xylene (isomers)		6.22	mg/Kg	100	0.00100

Surrogate	Flag	Result	Units	Dilution	Spike Amount	Percent Recovery	Recovery Limits
Trifluorotoluene (TFT)	2	0.713	mg/Kg	100	0.0100	71	58.9 - 129
4-Bromofluorobenzene (4-BFB)	3	3.88	mg/Kg	100	0.0100	388	44.4 - 133

Sample: 10642 - 0306171409

Analysis: Chloride (IC)
QC Batch: 2498
Prep Batch: 2275

Analytical Method: E 300.0
Date Analyzed: 2003-06-26
Date Prepared: 2003-06-25

Prep Method: N/A
Analyzed By: JSW
Prepared By: JSW

Parameter	Flag	RL Result	Units	Dilution	RL
Chloride		1510	mg/Kg	100	1.00

Sample: 10642 - 0306171409

Analysis: TPH DRO
QC Batch: 2483
Prep Batch: 2261

Analytical Method: Mod. 8015B
Date Analyzed: 2003-06-25
Date Prepared: 2003-06-25

Prep Method: N/A
Analyzed By: BP
Prepared By: WG

Parameter	Flag	RL Result	Units	Dilution	RL
DRO		17500	mg/Kg	10	50.0

Surrogate	Flag	Result	Units	Dilution	Spike Amount	Percent Recovery	Recovery Limits
n-Triacontane		1540	mg/Kg	10	150	103	45 - 152

Sample: 10642 - 0306171409

Analysis: TPH GRO
QC Batch: 2413
Prep Batch: 2187

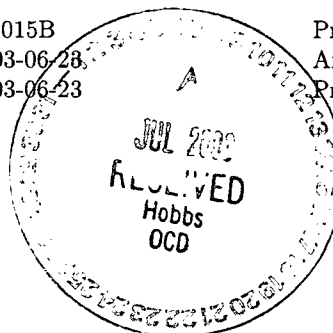
Analytical Method: S 8015B
Date Analyzed: 2003-06-23
Date Prepared: 2003-06-23

Prep Method: S 5035
Analyzed By: BL
Prepared By: CG

¹ Sample diluted due to hydrocarbons beyond xylene.

² Changed spike amount from 0.1 to 0.01 due to dilution.

³ High surrogate recovery due to peak interference.



Parameter	Flag	RL Result	Units	Dilution	RL
GRO		324	mg/Kg	100	0.100

Surrogate	Flag	Result	Units	Dilution	Spike Amount	Percent Recovery	Recovery Limits
Trifluorotoluene (TFT)	4	4.38	mg/Kg	100	0.0100	438	73 - 120
4-Bromofluorobenzene (4-BFB)	5	16.2	mg/Kg	100	0.0100	1620	78 - 120

Sample: 10643 - 0306171417

Analysis: BTEX
QC Batch: 2412
Prep Batch: 2187

Analytical Method: S 8021B
Date Analyzed: 2003-06-23
Date Prepared: 2003-06-23

Prep Method: S 5035
Analyzed By: CG
Prepared By: CG

Parameter	Flag	RL Result	Units	Dilution	RL
Benzene	6	<0.200	mg/Kg	200	0.00100
Toluene		<0.200	mg/Kg	200	0.00100
Ethylbenzene		<0.200	mg/Kg	200	0.00100
Xylene (isomers)		<0.200	mg/Kg	200	0.00100

Surrogate	Flag	Result	Units	Dilution	Spike Amount	Percent Recovery	Recovery Limits
Trifluorotoluene (TFT)	7	0.779	mg/Kg	200	0.00500	78	58.9 - 129
4-Bromofluorobenzene (4-BFB)	8	0.989	mg/Kg	200	0.00500	99	44.4 - 133

Sample: 10643 - 0306171417

Analysis: Chloride (IC)
QC Batch: 2498
Prep Batch: 2275

Analytical Method: E 300.0
Date Analyzed: 2003-06-26
Date Prepared: 2003-06-25

Prep Method: N/A
Analyzed By: JSW
Prepared By: JSW

Parameter	Flag	RL Result	Units	Dilution	RL
Chloride		230	mg/Kg	20	1.00

Sample: 10643 - 0306171417

Analysis: TPH DRO
QC Batch: 2483
Prep Batch: 2261

Analytical Method: Mod. 8015B
Date Analyzed: 2003-06-25
Date Prepared: 2003-06-25

Prep Method: N/A
Analyzed By: BP
Prepared By: WG

Parameter	Flag	RL Result	Units	Dilution	RL
DRO		47500	mg/Kg	50	50.0

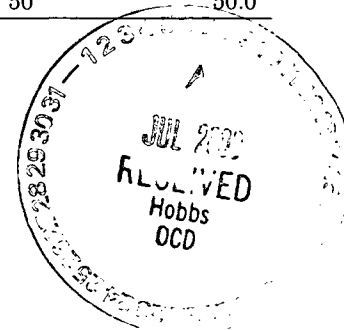
⁴High surrogate recovery due to peak interference.

⁵High surrogate recovery due to peak interference.

⁶Diluted due to excess hydrocarbons.

⁷Changed spike amount from 0.1 to 0.005 due to dilution.

⁸Changed spike amount from 0.1 to 0.005 due to dilution.



Surrogate	Flag	Result	Units	Dilution	Spike Amount	Percent Recovery	Recovery Limits
n-Triacontane		5010	mg/Kg	50	150	67	45 - 152

Sample: 10643 - 0306171417

Analysis: TPH GRO Analytical Method: S 8015B Prep Method: S 5035
QC Batch: 2413 Date Analyzed: 2003-06-23 Analyzed By: BL
Prep Batch: 2187 Date Prepared: 2003-06-23 Prepared By: CG

Parameter	Flag	RL Result	Units	Dilution	RL
GRO		<20.0	mg/Kg	200	0.100

Surrogate	Flag	Result	Units	Dilution	Spike Amount	Percent Recovery	Recovery Limits
Trifluorotoluene (TFT)	⁹	1.66	mg/Kg	200	0.00500	166	73 - 120
4-Bromofluorobenzene (4-BFB)	¹⁰	0.755	mg/Kg	200	0.00500	76	78 - 120

Sample: 10644 - 0306171424

Analysis: BTEX Analytical Method: S 8021B Prep Method: S 5035
QC Batch: 2412 Date Analyzed: 2003-06-23 Analyzed By: CG
Prep Batch: 2187 Date Prepared: 2003-06-23 Prepared By: CG

Parameter	Flag	RL Result	Units	Dilution	RL
Benzene	¹¹	<0.100	mg/Kg	100	0.00100
Toluene		<0.100	mg/Kg	100	0.00100
Ethylbenzene		7.91	mg/Kg	100	0.00100
Xylene (isomers)		32.7	mg/Kg	100	0.00100

Surrogate	Flag	Result	Units	Dilution	Spike Amount	Percent Recovery	Recovery Limits
Trifluorotoluene (TFT)	¹²	0.708	mg/Kg	100	0.0100	71	58.9 - 129
4-Bromofluorobenzene (4-BFB)	¹³	9.89	mg/Kg	100	0.0100	989	44.4 - 133

Sample: 10644 - 0306171424

Analysis: Chloride (IC) Analytical Method: E 300.0 Prep Method: N/A
QC Batch: 2498 Date Analyzed: 2003-06-26 Analyzed By: JSW
Prep Batch: 2275 Date Prepared: 2003-06-25 Prepared By: JSW

Parameter	Flag	RL Result	Units	Dilution	RL
Chloride		14900	mg/Kg	1000	1.00

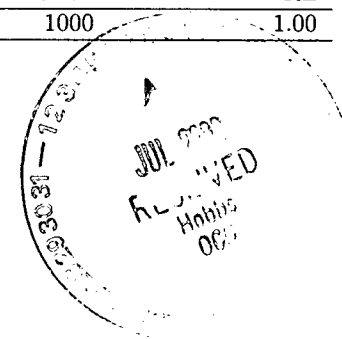
⁹High surrogate recovery due to peak interference.

¹⁰Low surrogate recovery due to matrix interference. ICV, CCV show the method to be in control.

¹¹Sample diluted due to hydrocarbons beyond xylene.

¹²Changed spike amount from 0.1 to 0.01 due to dilution.

¹³High surrogate recovery due to peak interference.



Sample: 10644 - 0306171424

Analysis: TPH DRO
QC Batch: 2483
Prep Batch: 2261

Analytical Method: Mod. 8015B
Date Analyzed: 2003-06-25
Date Prepared: 2003-06-25

Prep Method: N/A
Analyzed By: BP
Prepared By: WG

Parameter	Flag	RL Result	Units	Dilution	RL
DRO		11100	mg/Kg	5	50.0

Surrogate	Flag	Result	Units	Dilution	Spike Amount	Percent Recovery	Recovery Limits
n-Triacontane		518	mg/Kg	5	150	69	45 - 152

Sample: 10644 - 0306171424

Analysis: TPH GRO
QC Batch: 2413
Prep Batch: 2187

Analytical Method: S 8015B
Date Analyzed: 2003-06-23
Date Prepared: 2003-06-23

Prep Method: S 5035
Analyzed By: BL
Prepared By: CG

Parameter	Flag	RL Result	Units	Dilution	RL
GRO		956	mg/Kg	100	0.100

Surrogate	Flag	Result	Units	Dilution	Spike Amount	Percent Recovery	Recovery Limits
Trifluorotoluene (TFT)	¹⁴	0.00	mg/Kg	100	0.0100	0	73 - 120
4-Bromofluorobenzene (4-BFB)	¹⁵	41.8	mg/Kg	100	0.0100	4180	78 - 120

Method Blank (1) QC Batch: 2412

Parameter	Flag	Result	Units	RL
Benzene		<0.00100	mg/Kg	0.001
Toluene		<0.00100	mg/Kg	0.001
Ethylbenzene		<0.00100	mg/Kg	0.001
Xylene (isomers)		<0.00100	mg/Kg	0.001

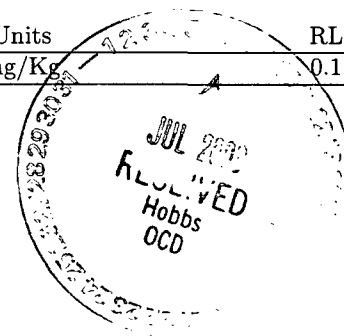
Surrogate	Flag	Result	Units	Dilution	Spike Amount	Percent Recovery	Recovery Limits
Trifluorotoluene (TFT)		0.0700	mg/Kg	1	0.100	70	58.9 - 129
4-Bromofluorobenzene (4-BFB)		0.0660	mg/Kg	1	0.100	66	44.4 - 133

Method Blank (1) QC Batch: 2413

Parameter	Flag	Result	Units	RL
GRO		<1.00	mg/Kg	0.1

¹⁴TFT peak not identified due to sample content.

¹⁵High surrogate recovery due to peak interference.



Surrogate	Flag	Result	Units	Dilution	Spike Amount	Percent Recovery	Recovery Limits
Trifluorotoluene (TFT)		0.855	mg/Kg	10	0.100	86	73 - 120
4-Bromofluorobenzene (4-BFB)		0.886	mg/Kg	10	0.100	89	78 - 120

Method Blank (1) QC Batch: 2483

Parameter	Flag	Result	Units	RL
DRO		<50.0	mg/Kg	50

Surrogate	Flag	Result	Units	Dilution	Spike Amount	Percent Recovery	Recovery Limits
n-Triacontane		122	mg/Kg	1	150	81	45 - 152

Matrix Blank (1) QC Batch: 2498

Parameter	Flag	Result	Units	RL
Chloride		10.2	mg/Kg	1

Laboratory Control Spike (LCS-1) QC Batch: 2412

Param	LCS Result	LCSD Result	Units	Dil.	Spike Amount	Matrix Result	Rec.	RPD	Rec. Limit	RPD Limit
Benzene	0.0898	0.0904	mg/Kg	1	0.100	<0.000131	90	1	83.4 - 112	35
Toluene	0.0910	0.0916	mg/Kg	1	0.100	<0.000365	91	1	82.6 - 112	36
Ethylbenzene	0.0896	0.0909	mg/Kg	1	0.100	<0.000492	90	1	80.3 - 114	40
Xylene (isomers)	0.271	0.273	mg/Kg	1	0.300	<0.000314	90	1	78.9 - 114	39

Percent recovery is based on the spike result. RPD is based on the spike and spike duplicate result.

Surrogate	LCS Result	LCSD Result	Units	Dil.	Spike Amount	LCS Rec.	LCSD Rec.	Rec. Limit
Trifluorotoluene (TFT)	¹⁶¹⁷ 0.0699	0.0734	mg/Kg	1	0.100	70	73	74.7 - 114
4-Bromofluorobenzene (4-BFB)	¹⁸¹⁹ 0.0731	0.0763	mg/Kg	1	0.100	73	76	76.2 - 110

Laboratory Control Spike (LCS-1) QC Batch: 2413

Param	LCS Result	LCSD Result	Units	Dil.	Spike Amount	Matrix Result	Rec.	RPD	Rec. Limit	RPD Limit
GRO	8.26	8.60	mg/Kg	10	1.00	<0.381	83	4	76.3 - 125	20

Percent recovery is based on the spike result. RPD is based on the spike and spike duplicate result.

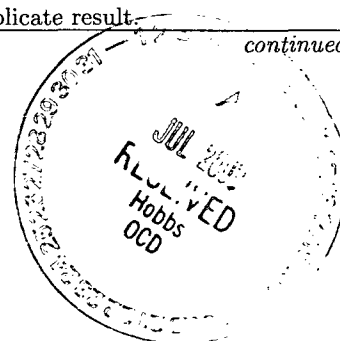
continued ...

¹⁶Low surrogate recovery due to prep. ICV, CCV show the method to be in control.

¹⁷Low surrogate recovery due to prep. ICV, CCV show the method to be in control.

¹⁸Low surrogate recovery due to prep. ICV, CCV show the method to be in control.

¹⁹Low surrogate recovery due to prep. ICV, CCV show the method to be in control.



control spikes continued ...

Surrogate	LCS Result	LCSD Result	Units	Dil.	Spike Amount	LCS Rec.	LCSD Rec.	Rec. Limit
Surrogate	LCS Result	LCSD Result	Units	Dil.	Spike Amount	LCS Rec.	LCSD Rec.	Rec. Limit
Trifluorotoluene (TFT)	0.944	0.976	mg/Kg	10	0.100	94	98	73.7 - 114
4-Bromofluorobenzene (4-BFB)	1.03	1.00	mg/Kg	10	0.100	103	100	76.2 - 110

Laboratory Control Spike (LCS-1) QC Batch: 2483

Param	LCS Result	LCSD Result	Units	Dil.	Spike Amount	Matrix Result	Rec.	RPD	Rec. Limit	RPD Limit
DRO ²⁰	268	321	mg/Kg	1	250	<21.1	107	18	68 - 126	20

Percent recovery is based on the spike result. RPD is based on the spike and spike duplicate result.

Surrogate	LCS Result	LCSD Result	Units	Dil.	Spike Amount	LCS Rec.	LCSD Rec.	Rec. Limit
n-Triacontane	121	128	mg/Kg	1	150	81	85	33 - 144

Laboratory Control Spike (LCS-1) QC Batch: 2498

Param	LCS Result	LCSD Result	Units	Dil.	Spike Amount	Matrix Result	Rec.	RPD	Rec. Limit	RPD Limit
Chloride	22.1	22.1	mg/Kg	1	12.5	10.2	95	0	90 - 110	20

Percent recovery is based on the spike result. RPD is based on the spike and spike duplicate result.

Matrix Spike (MS-1) QC Batch: 2412

Param	MS Result	MSD Result	Units	Dil.	Spike Amount	Matrix Result	Rec.	RPD	Rec. Limit	RPD Limit
Benzene	0.704	0.697	mg/Kg	10	0.100	<0.00131	70	1	58 - 107	22
Toluene	0.721	0.725	mg/Kg	10	0.100	<0.00365	72	0	59 - 110	20
Ethylbenzene	0.741	0.727	mg/Kg	10	0.100	<0.00492	74	2	58.4 - 113	15
Xylene (isomers)	2.20	2.18	mg/Kg	10	0.300	<0.00314	73	1	54.3 - 114	19

Percent recovery is based on the spike result. RPD is based on the spike and spike duplicate result.

Surrogate	MS Result	MSD Result	Units	Dil.	Spike Amount	MS Rec.	MSD Rec.	Rec. Limit
Trifluorotoluene (TFT)	0.699	0.691	mg/Kg	10	0.1	70	69	50.6 - 114
4-Bromofluorobenzene (4-BFB)	0.730	0.663	mg/Kg	10	0.1	73	66	52 - 110

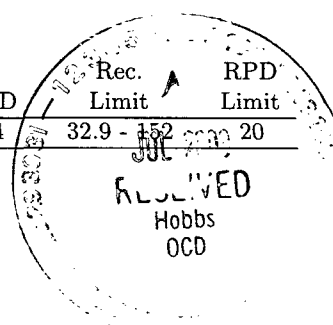
Matrix Spike (MS-1) QC Batch: 2413

Param	MS Result	MSD Result	Units	Dil.	Spike Amount	Matrix Result	Rec.	RPD	Rec. Limit	RPD Limit
GRO ²¹²²	30.1	26.1	mg/Kg	200	0.0500	11.3876	187	14	32.9 - 152	20

²⁰LCS recovery within range. RPD within 20%

²¹MS, MSD outside normal limits. LCS, LCSD show the method to be in control.

²²Changed spike amount from 1 to 0.05 due to dilution.



Percent recovery is based on the spike result. RPD is based on the spike and spike duplicate result.

Surrogate	MS Result	MSD Result	Units	Dil.	Spike Amount	MS Rec.	MSD Rec.	Rec. Limit
Trifluorotoluene (TFT)	²³ 24	1.16	0.829	mg/Kg	200	0.005	116	50.6 - 114
4-Bromofluorobenzene (4-BFB)	²⁵ 26	1.50	1.50	mg/Kg	200	0.005	150	52 - 110

Matrix Spike (MS-1) QC Batch: 2483

Param	MS Result	MSD Result	Units	Dil.	Spike Amount	Matrix Result	Rec.	RPD	Rec. Limit	RPD Limit
DRO	239	243	mg/Kg	1	250	<21.1	96	2	65 - 114	20

Percent recovery is based on the spike result. RPD is based on the spike and spike duplicate result.

Surrogate	MS Result	MSD Result	Units	Dil.	Spike Amount	MS Rec.	MSD Rec.	Rec. Limit
n-Triacontane	129	131	mg/Kg	1	150	86	87	33 - 144

Matrix Spike (MS-1) QC Batch: 2498

Param	MS Result	MSD Result	Units	Dil.	Spike Amount	Matrix Result	Rec.	RPD	Rec. Limit	RPD Limit
Chloride	2610	2620	mg/Kg	100	12.5	1510	88	0	13 - 193	20

Percent recovery is based on the spike result. RPD is based on the spike and spike duplicate result.

Standard (ICV-1) QC Batch: 2412

Param	Flag	Units	CCVs True Conc.	CCVs Found Conc.	CCVs Percent Recovery	Percent Recovery Limits	Date Analyzed
Benzene		mg/L	0.100	0.0868	87	85 - 115	2003-06-23
Toluene		mg/L	0.100	0.0880	88	85 - 115	2003-06-23
Ethylbenzene		mg/L	0.100	0.0869	87	85 - 115	2003-06-23
Xylene (isomers)		mg/L	0.300	0.262	87	85 - 115	2003-06-23

Standard (CCV-1) QC Batch: 2412

Param	Flag	Units	CCVs True Conc.	CCVs Found Conc.	CCVs Percent Recovery	Percent Recovery Limits	Date Analyzed
Benzene		mg/L	0.100	0.0906	91	85 - 115	2003-06-23
Toluene		mg/L	0.100	0.0902	90	85 - 115	2003-06-23
Ethylbenzene		mg/L	0.100	0.0921	92	85 - 115	2003-06-23
Xylene (isomers)		mg/L	0.300	0.273	91	85 - 115	2003-06-23

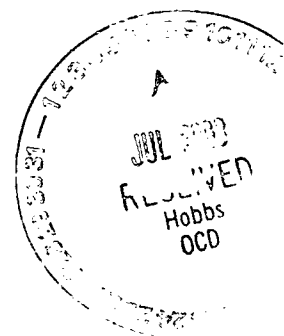
Standard (ICV-1) QC Batch: 2413

²³MS, MSD outside normal limits. LCS, LCSD show the method to be in control.

²⁴Changed spike amount from 0.1 to 0 due to dilution.

²⁵MS, MSD outside normal limits. LCS, LCSD show the method to be in control.

²⁶High surrogate recovery due to peak interference.



Param	Flag	Units	CCVs True Conc.	CCVs Found Conc.	CCVs Percent Recovery	Percent Recovery Limits	Date Analyzed
GRO		mg/L	1.00	0.900	90	85 - 115	2003-06-23

Surrogate	Flag	Result	Units	Dilution	Spike Amount	Percent Recovery	Recovery Limit
Trifluorotoluene (TFT)		0.0980	mg/L	1	0.100	98	73 - 120
4-Bromofluorobenzene (4-BFB)		0.105	mg/L	1	0.100	105	78 - 120

Standard (CCV-1) QC Batch: 2413

Param	Flag	Units	CCVs True Conc.	CCVs Found Conc.	CCVs Percent Recovery	Percent Recovery Limits	Date Analyzed
GRO		mg/L	1.00	0.981	98	85 - 115	2003-06-23

Surrogate	Flag	Result	Units	Dilution	Spike Amount	Percent Recovery	Recovery Limit
Trifluorotoluene (TFT)		0.105	mg/L	1	0.100	105	73 - 120
4-Bromofluorobenzene (4-BFB)		0.113	mg/L	1	0.100	113	78 - 120

Standard (ICV-1) QC Batch: 2483

Param	Flag	Units	CCVs True Conc.	CCVs Found Conc.	CCVs Percent Recovery	Percent Recovery Limits	Date Analyzed
DRO		mg/Kg	250	277	111	75 - 125	2003-06-25

Standard (CCV-1) QC Batch: 2483

Param	Flag	Units	CCVs True Conc.	CCVs Found Conc.	CCVs Percent Recovery	Percent Recovery Limits	Date Analyzed
DRO		mg/Kg	250	279	111	75 - 125	2003-06-25

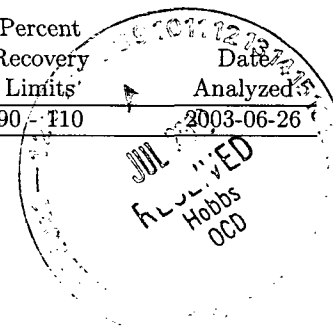
Standard (CCV-2) QC Batch: 2483

Param	Flag	Units	CCVs True Conc.	CCVs Found Conc.	CCVs Percent Recovery	Percent Recovery Limits	Date Analyzed
DRO		mg/Kg	250	268	107	75 - 125	2003-06-25

Standard (ICV-1) QC Batch: 2498

Param	Flag	Units	CCVs True Conc.	CCVs Found Conc.	CCVs Percent Recovery	Percent Recovery Limits	Date Analyzed
Chloride		mg/Kg	12.5	12.0	96	90 - 110	2003-06-26

Standard (CCV-1) QC Batch: 2498

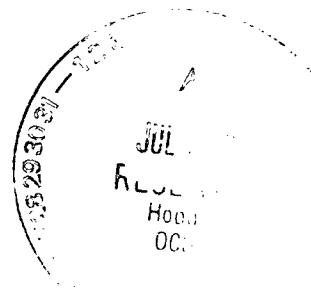


Report Date: July 2, 2003
030617

Work Order: 3061908
Marks & Garner

Page Number: 10 of 10
Duncan Lease

Param	Flag	Units	CCVs True Conc.	CCVs Found Conc.	CCVs Percent Recovery	Percent Recovery Limits	Date Analyzed
Chloride		mg/Kg	12.5	11.9	95	90 - 110	2003-06-26



155 McCutcheon, Suite H
El Paso, Texas 79932
Tel (915) 585-3443
Fax (915) 585-4944
1 (888) 588-3443

Company Name: *New Mexico Oil Conservation Div.* Phone #: *505.393.6161* x113
 Address: *1625 N. French Dr, Hobbs NM* Fax #: *505.393.0720*
 Contact Person: *Paul Sheeler* *88240*

Invoice to: ED MARTIN - 505.476.13492
(If different from above) 1220 S. St. Francis Dr Santa Fe, NM 87505

Project #: 030617 Facility Soil
Project Location:
Project Name: Maybes to Garner
Sampled Signature:

Project Location: Duncan Lease

[illegible]

Relinquished by: <i>Handwritten Signature</i>	Date: 030618	Time: 14:00	Received by:	Date:	Time:
Relinquished by:	Date:	Time:	Received by:	Date:	Time:
Relinquished by:	Date:	Time:	Received at Laboratory by:	Date:	Time: <i>File: Number 6-19-03 10:44</i>

Submittal of samples constitutes agreement to Terms and Conditions listed on reverse side of C.O.C.

ORIGINAL COPY

LAB Order ID # 3061908

(Circle or Specify Method No.)

MTBE 8021B/602	X	X	X	
BTEX 8021B/602	X	X	X	
TPH 418.1/TK+005	X	X	X	
PAH 8270C				
Total Metals Ag As Ba Cd Cr Pb Se Hg 6010B/200.7				
TCLP Volatiles				
TCLP Semi Volatiles				
TCLP Pesticides				
RCI				
GC/MS Vol. 8260B/624				
GC/MS Semi. Vol. 8270C/625				
PCB's 8082/608				
Pesticides 8081A/608				
BOD, TSS, pH				
General Chemistry (limn)				
X-X-X Chloride				
Turn Around Time if different from standard				
Hold				

Intact (Y) N
 Headspace Y / N
 Temp 16 °
 Log-in Review ms

☐ Check If Special Reporting Limits Are Needed

Carrier # TWMD 903 D14 817-1

Olson, William

From: Sheeley, Paul
Sent: Wednesday, June 18, 2003 3:27 PM
To: Anderson, Roger
Cc: Williams, Chris; Johnson, Larry; Olson, William
Subject: cc: Marks+Garner-Duncan, Sample spot PIX



Picture_2144.JPG Picture_2145.JPG Picture_2146.JPG Picture_2148.JPG





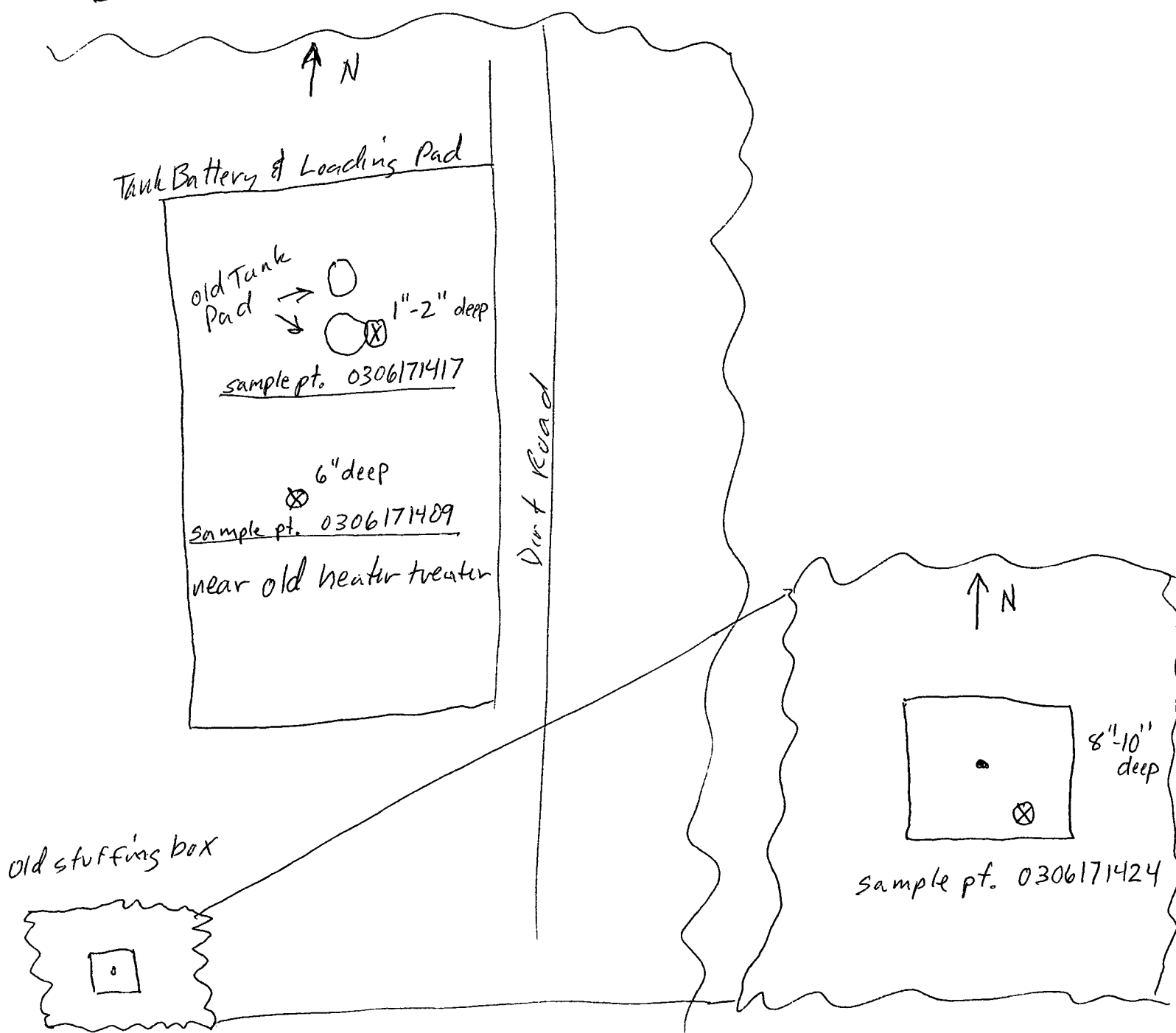




Marks & Garner - Duncan lease - Sample Map

<u>sample I.D.</u>	<u>Parameter</u>	<u>Photo File</u>
0306171409	BTEX, TPH, CI ⁻	2145.JPG
0306171417	"	2148.JPG
0306171424	"	"

Maps





State of New Mexico
ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT
Santa Fe, New Mexico 87505

STATE OF
NEW MEXICO
OIL
CONSERVATION
DIVISION

MEMORANDUM OF MEETING OR CONVERSATION

<input checked="" type="checkbox"/> Telephone	<input type="checkbox"/> Personal	Time	Date 6/17/03
---	-----------------------------------	------	--------------

Originating Party	Other Parties
Bill Olson - Envr. Bureau	Paul Steeley - OCD Hobbs
Roger Anderson	"

SUBJECT
Markus & Garner - RW Duncan Well Site

Discussion
Asked Paul to sample soils at Duncan site for BTEX, TPH and Chloride to verify whether Markus & Garner cleanup meets Guidelines

Conclusions or Agreements
He will sample in next day or 2

Distribution
Signed 

MARKS AND GARNER PRODUCTION, LTD. CO.

OIL & GAS PRODUCTION

Phone (505) 396-5326
Fax (505) 396-3204
P.O. Box 70 - 1421 S. Love St.
Lovington, New Mexico 88260

June 06, 2003

Oil Conservation Division
Paul Sheeley
1625 N. French Drive
Hobbs, N.M. 88240

Re: RW Duncan Lease

Dear Mr. Sheeley,

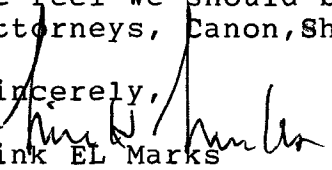
We are sending a tape recording and several notes and letters made by the Duncan family in regards to this lease for your consideration.

Our subsequent report (form 103) for final inspection was approved by a Hobbs OCD Compliance Officer on Jan. 16, 2003. All remediation plans and necessary tests were complied with at that time.

We are also sending recent photos made by Mr. Eddie Seay, Consultant, showing the site to be in a clean condition as specified.

If for any reason we are required to enter any Duncan property, we feel we should be given ample time to confer with our Attorneys, Canon, Short & Gaston-Midland, TX., in this regard.

Sincerely,


Link EL Marks
Member-Partner

Cc: Chris Williams-District 1 Supervisor



R. R. MYERS

CL 1 1984

LAW OFFICES

HEIDEL, SAMBERSON, GALLINI, WILLIAMS

C. GENE SAMBERSON
R. W. GALLINI
JERRY L. WILLIAMS

311 NORTH FIRST STREET
POST OFFICE DRAWER 1599
LOVINGTON, NEW MEXICO 88260
(505) 396-5303

F. L. HEIDEL
OF COUNSEL

September 4, 1984

Mr. Richard R. Myers
Assistant Regional Counsel
Union Oil Company of California
Post Office Box 3100
Midland, Texas 79702

Re: Georgia A. Duncan, et al, interest
in oil, gas and other minerals in
the S/2 of Section 6-13S-36E,
Lea County, New Mexico

Dear Mr. Myers:

Reference is made to my previous correspondence addressed to you in connection with the above matter, wherein I requested Union Oil Company of California to develop the remaining acreage of the South Half (S/2) of Section 6 or, if Union does not desire to develop same, to deliver an appropriately executed Release of the Oil and Gas Lease embracing the South Half (S/2) of said Section 6, excepting the acreage allotted to the R. W. Duncan Well #1.

You have previously informed me that Union needed time to evaluate this property. My clients are of the opinion that a reasonable time for Union to reach a decision has elapsed. They are also convinced that Union has rejected numerous offers from third parties for the development of this property on one basis or another while Union claims the R. W. Duncan #1 Well is producing in paying quantities. Our clients are convinced that the R. W. Duncan #1 Well is not producing in paying quantities and want Union to make a decision and to act upon it.

We request that Union either develop the remaining acreage under the South Half (S/2) of said Section 6 or release all of the acreage. My clients insist on bringing this matter to a conclusion at the earliest date, therefore, unless I have Union's decision to develop or an appropriately executed Release in our possession by September 17, 1984, I have been instructed to proceed.

Very truly yours,

HEIDEL, SAMBERSON, GALLINI & WILLIAMS

By *C. Gene Samberson*

CGS:lt

cc: Mrs. Georgia A. Duncan
Mr. Jimmy Duncan

UNOCAL 76

January 14, 1987

To: Ted Paul

From: Linda Hicks *LH*RW Duncan Well
Tatum Prospect (7451)
Lea County, New Mexico

Attached is a current list of the Working Interest Owners in the Operating Agreement covering SE/4 Sec. 6-13S-36E.

The agreement is silent as to reworking operations so I suggest you get 100% of Working Interest Owners approval before proceeding. If you have trouble getting full approval, let me know and I will research further whether the non-consent provisions could possibly apply.

We have had many problems with some royalty owners over the years so all work on this well should be done with diligence. This is the only well holding the lease. You should try to keep the down time to a minimum. Our lease has no specific rework provision but the law implies a reasonable time to commence rework operations.

If you have any further questions, let me know.

LHH/s
Attachment

Linda Hicks ✓
Attached - Original & 1 copy
Please handle - I have not
contacted accounting.
DLW

Union Oil Company of California
500 North Marienfeld, Midland, Texas 79701
P.O. Box 671, Midland, Texas 79702
Telephone (915) 682-9731

FRM



RECEIVED

APR 04 1988

Robert V. Lockhart
District Land Manager
Midland District

February 1, 1985

MIDLAND DISTRICT LAND

WORKING INTEREST OWNERS
ADDRESSEE LIST ATTACHED

JOA/Union S. Tatum OP#58
W/2SE/4 Section 6, T-13-S, R-36-E
Tatum (Wolfcamp) Field
Tatum Prospect (7451)
Lea County, New Mexico

Union Oil Company of California, Operator of the S. Tatum Working Interest Unit, has received numerous demand letters from the law firm of Heidel, Samberson, Gallini and Williams, attorneys for the Duncan family, Lessors of the above captioned tract. Union has previously mailed you copies of these demand letters and is now in a position to recommend that the W/2SE/4 Section 6, T-13-S, R-36-E, Lea County, New Mexico, be released from the Operating Agreement of March 15, 1957.

We ask that you concur with us in releasing subject lands from the South Tatum Working Interest Unit by executing a copy of this letter and returning same to the undersigned at your earliest convenience.

Very truly yours,

UNION OIL COMPANY OF CALIFORNIA

H. Rene' Moulinet CPL
Senior Landman

HRM:njd

Release of the above lands agreed to this 8th day of FEBRUARY, 1985.

BFO ENERGY INC.

By:

W. J. Newman

Sr. V.P. Production



March 28, 1988

Midland District

WORKING INTEREST OWNERS
ADDRESSEE LIST ATTACHED

R. W. Duncan #1-6 Well
SE/4 Section 6-13S-36E
Lea County, New Mexico
Tatum (Wolfcamp) Field
Tatum Prospect (7451)

The only land remaining that is subject to the Operating Agreement for referenced well is the SE/4 Section 6-13S-36E. The E/2SE/4 Section 6 is dedicated to this well. Please see attached Union's letter of February 1, 1985 regarding releasing the W/2SE/4 Section 6. We never got 100% concurrence from the working interest owners and a release was never completed.

Mr. Duncan is once again after Union to release the W/2SE/4 Section 6. Attached is a copy of his recent letter along with a copy of Union's response.

Union would like to release this acreage. If we cannot get 100% concurrence to release this acreage, Union will have to assign its interest to the non-releasing parties and they can then deal with Mr. Duncan concerning this matter.

We are asking again that you concur in releasing the W/2SE/4 Section 6 from the Operating Agreement dated March 15, 1957 by executing a copy of this letter and returning same to my attention at your earliest convenience, but no later than 30 days from receipt of this letter.

Thank you for your cooperation in this matter. Should you have any questions, please let me know.

Sincerely yours,

UNION OIL COMPANY OF CALIFORNIA

A handwritten signature in cursive script, reading "Linda H. Hicks".

Linda H. Hicks
Landman

LHH/s

Release of the W/2SE/4 Section 6-13S-36E, Lea County, agreed to this ____ day of _____, 1988.

By: _____

3.18.02

I want a full accounting
of how many loads and
yards of caliche are used.
The price is \$3.50 per yard. So
far as of 3.17.02 there had
been 11 Loads of caliche used.
I want the ground tested
to make sure the contaminated
dirt is gone and new dirt
brought in.

ranch #398.6522
Presley home #864.8810
Dwight Dunn

Get this Pulling Unit
off our Property
OR ELSE
DUNCAN FAMILY
BOBBY DUNCAN

The similar note was left on
the sign and the Sheriff was
advised of the threat at that
time. The deputy in charge was
aware of John Guesarm's history
and stayed close at hand.



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Lori Wrotenbery

Director

Oil Conservation Division

June 2, 2003

Marks & Garner Exploration and Production
Attn: E. L. Link Marks
P.O. Box 70
Lovington, NM 88260

Re: RW Duncan
UL-, Sec. 6 T13S-R36E.

Dear Mr. Marks,

The New Mexico Oil Conservation Division (OCD) requires that the environmental investigation and remediation for the above referenced site **be completed by June 13, 2003**. A work plan is required to be submitted to the District 1 office by June 6, 2003.

The location was not demonstrated to be returned to a clean condition as specified. The photos included indicate some of the subsurface contamination that needs to be addressed.

For guidance in this matter see Guidelines for Remediation of Leaks, Spills and Releases, August 13, 1993, on the OCD website.

If you have any questions or need assistance write or call: (505) 393-6161, ext. 113, or email: psheeley@state.nm.us

Sincerely,

Paul Sheeley-Environmental Engineer

Cc: Roger Anderson - Environmental Bureau Chief
Chris Williams - District I Supervisor
Bill Olson - Hydrologist
Larry Johnson - Environmental Engr.
Devin Garner





12. 28. 2001





12.28.2001



12.28.2001



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop
Cabinet Secretary

Lori Wrotenberg

Director

Oil Conservation Division

FAX

TO:

Roger

FROM:

Paul S

Energy Minerals and Natural Resources Department,
Oil Conservation Division

RE:

Duncan Well ~~letter~~ (Mark & Garner)

DATE:

5-13-03

*Signed copy went to Mark & Garner**- Form C-103**- Signed letter ~~for~~ landowner problems**- letter from Contractor - NO TPH analyses**2*

Pages (Including Transmittal)

Submit 3 Copies To Appropriate District Office
 District I
 1625 N. French Dr., Hobbs, NM 88240
 District II
 811 South First, Azusa, NM 87210
 District III
 1000 Rio Brazos Rd., Aztec, NM 87410
 District IV
 1220 S. St. Francis Dr., Santa Fe, NM 87505

State of New Mexico
 Energy, Minerals and Natural Resources

Form C-103

Revised March 25, 1991

OIL CONSERVATION DIVISION
 1220 South St. Francis Dr.
 Santa Fe, NM 87505

WELL API NO.
 30-025-03665

5. Indicate Type of Lease

STATE ☐ FEE ☒

6. State Oil & Gas Lease No.

7. Lease Name or Unit Agreement Name:

R.W. Duncan

SUNDY NOTICES AND REPORTS ON WELLS
 (DO NOT USE THIS FORM FOR PROPOSALS TO DRILL OR TO DEEPEN OR PLUG BACK TO A DIFFERENT RESERVOIR. USE "APPLICATION FOR PERMIT" (FORM C-101) FOR SUCH PROPOSALS.)

1. Type of Well:

Oil Well ☒ Gas Well ☐ Other ☐

2. Name of Operator

Marks and Garner Production, Ltd. Co.

3. Address of Operator

POB 70 Lovington, NM 88260

4. Well Location

Unit Letter P : 330 feet from the South line and 330 feet from the East line

Section 6 Township 13S Range 36E NMPM Lea County

10. Elevation (Show whether DR, RKB, RT, GR, etc.)
 4005.5 GR

11. Check Appropriate Box to Indicate Nature of Notice, Report or Other Data

NOTICE OF INTENTION TO:

PERFORM REMEDIAL WORK ☐ PLUG AND ABANDON ☐TEMPORARILY ABANDON ☐ CHANGE PLANS ☐PULL OR ALTER CASING ☐ MULTIPLE COMPLETION ☐OTHER: ☐

SUBSEQUENT REPORT OF:

REMEDIAL WORK ☐ ALTERING CASING ☐COMMENCE DRILLING OPNS. ☐ PLUG AND ABANDONMENT ☒CASING TEST AND CEMENT JOB ☐OTHER: ☐

12. 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. For Multiple Completions: Attach wellbore diagram of proposed completion or recompletion.

Plug and abandon well as set forth in approved C-103-10,23,2001, with the following exceptions:

- (1) Shot 5½" casing @ free point-4981' and pulled 4981 5½" casing
 (2) Shot 8-5/8 casing @ free point 716' and pulled 716' casing

Remove all surface equipment-Knock down remove all tank pads & level-Haul off contaminated dirt & replace
 5-08-2002 Clean & rake location for final inspection

RECEIVED
 Hobbs
 OCU

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

SIGNATURE

TITLE Member-Partner

Type or print name Ernest L. Marks

(This space for State use)

Telephone No. 505 396 9326

APPROVED BY

TITLE

DATE

Conditions of approval, if any:

COMPLIANCE OFFICER

5
 6
 5

MARKS AND GARNER PRODUCTION, LTD. CO.**OIL & GAS PRODUCTION**

Phone (505) 396-5326
Fax (505) 396-3204
P.O. Box 70 - 1421 S. Love St.
Lovington, New Mexico 88260

April 3, 2003

NMOCD Environmental Department
Attention- Mr. Paul Sheeley
1625 French Drive
Hobbs, NM 88240

RE: R.W. Duncan Lease

Dear Mr. Sheeley,

Our closure plan of June 3, 2002 was approved by the OCD on Jan.16, 2003. Therefore we are no longer the bonded operator, nor have we had custody of this property since that date. Accountability for any new problems, should they exist, should be directed at other operators, surface owners or unknowns.

Also be advised we have been sued, threatened, intimidated and told not to trespass on this property by the surface owner. The surface owners caused and created many serious problems in the course of producing and eventually the plugging and abandonment of this well.

Our decision to prematurely P&A this well was caused by the surface owner. On Jan.24,2002 we were ordered and given just 45 days to P&A this well by your dept., once again because of the surface owners.

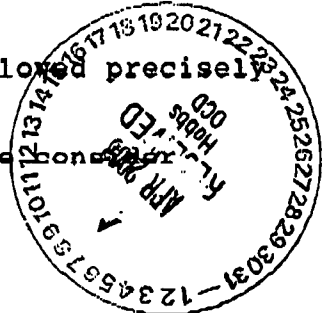
And finally, your recommended guidelines were followed precisely during the P&A of this well.

If you have any questions, please call, if not, we consider this issue closed.

Sincerely,

Link E.L. Marks

Enclosures



June 3, 2002

NMOCD Environmental Bureau
ATTN: Paul Sheeley
1625 French Drive
Hobbs, NM 88240

RE: Marks & Garner Production
R.W. Duncan Lease

Dear Mr. Sheeley:

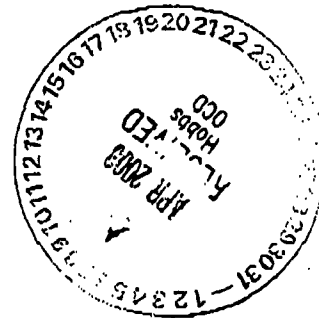
As directed, Marks & Garner have P & A the Duncan well and restored the location pursuant to OCD Rule 202. Mr. Prichard, of your office, witnessed the plugging and inspected the cleanup. All equipment has been removed and contaminated soil hauled to OCD approved facility, Gandy-Marley. Headspace test for BTEX was run during cleanup and final test was less than 100. Field chloride test was 150 ppm. Find within invoice for soil excavation and disposal.

If you have any questions, please call, if not, we consider this issue closed.

Thanks,

Eddie W. Seay

Eddie W. Seay, Agent
601 W. Illinois
Hobbs, NM 88242
(505)392-2236



TRANSACTION REPORT

P. 01

MAY-13-2003 TUE 09:04 AM

FOR:

RECEIVE

DATE	START	SENDER	RX TIME	PAGES	TYPE	NOTE	M#	DP
MAY-13	09:02 AM	15053939758	1' 22"	4	RECEIVE	OK		



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Lori Wrotenberg

Director

Oil Conservation Division

FAX

TO:

Roger

FROM:

Paul S

Energy Minerals and Natural Resources Department,
Oil Conservation Division

RE:

Duncan Well letter (Marks & Garner)

DATE:

5-13-03

Signed copy went to Marks & Garner

2

Pages (Including Transmittal)



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prulok

Cabinet Secretary

Lori Wrotenberg

Director

Oil Conservation Division

April 10, 2003

Marks & Garner Exploration and Production

Attn: E. L. Link Marks

P.O. Box 70

Lovington, NM 88260

Re: Abandon Well and Tank battery
RW Duncan
UL-, Sec. 6 T13S-R36E.

Dear Mr. Marks,

The New Mexico Oil Conservation Division (OCD) has established that the environmental investigation has not been completed. The surface of the location still is visibly stained. A work plan to investigate and subsequently remediate, (if necessary), the subsurface is required for closure.

If you have any questions or need any assistance please feel free to contact me at (505) 393-6161 x113 or email psheeley@state.nm.us

Sincerely,

Paul Sheeley-Environmental Engineer

Cc: Roger Anderson - Environmental Bureau Chief
Chris Williams - District I Supervisor
William Olson - OCD Hydrologist
Larry Johnson - Environmental Engineer

1R377











Olson, William

From: Johnson, Larry
Sent: Monday, March 17, 2003 2:40 PM
To: Olson, William
Subject: Duncan Site

Bill,
Attached is info in the file. This site has not been approved for release that I can find. Memory says that Eddie did not get closure samples.
Larry



MG OCDLetters.pdf



MG Pix1 1-02.pdf



MG Pix2 1-02.pdf



MG Seay
1-15-02.pdf



SeayClean.pdf

August 1, 2002

Dear Attorney General Patricia Madrid,

My state representative, Fred Luna recommended that I write you about a few problems I am having with an Oil company and an environmental division of a New Mexico department funded by the state.

My family and I own mineral rights in Lea County, close to Tatum, New Mexico. Marks and Garner Oil Company of Lovington, New Mexico had the lease rights to our minerals in Section 6, Township 13S, Range 36E for several years. My family and I had to take Marks and Garner to court to force them to leave because of non-production from the well. The court gave Marks and Garner a year to produce or vacate the property and give us a release on the minerals. After a year of no production we had to use many threats of court to force them to start removing their equipment off the premises. What they left behind is an ecological disaster. Leaking tank batteries had left huge areas of contaminated soil from oil, brine water and salt water. These leaking tanks had been leaking for quite some time. I confronted Buddy Garner, 1/2 owner of company,

Rep. Luna

Presley Duncan

Lea Co.

864-8810

Belen

and told him that he would have to clean up the contaminated soil by removing the soil and replacing it with fresh dirt. Mr. Garner offered me a bribe of \$2000 to let him drive off and forget it. I refused to take his bribe. Mr. Garner said it didn't really matter to him because he had friends in high places and that he didn't have to clean it up. I called the New Mexico Oil Conservation Dept. in Santa Fe and talked to Roger in the environmental division of that Dept. Roger told me that Marks and Garner would have to clean the mess up. He then got a person by the name of Chris, who handles the environmental part of their Hobbs branch office to look into the problem. My brother Bobby Duran and myself met with individuals from the Oil Conservation Dept in Hobbs at the sight of the well. Later I called Roger in Santa Fe. He told me that they had sent a 30 day notice of clean-up to Marks and Garner and that Marks and Garner would be fined per day, every day they didn't comply with the 30 day notice. Roger also told me that Marks and Garner

would have to dig out all contaminated soil and replace it with fresh fill dirt.

Marks and Garner hired a trucking firm from Lovington, New Mexico to haul caliche from the family's caliche pit to the oil well site. That caliche was spread out over the top of the contaminated soil.

The contaminated soil was never removed and to top it all, no one in my family including myself received any compensation for that caliche which was promised to us.

I have tried to reach Roger in Santa Fe and Chris in Hobbs several times but they have not spoken to me or returned my calls. I simply do not understand why the environmental division of the New Mexico Oil Conservation Dept. made alot of promises to help clean up this mess and then don't follow through without any kind of explanation. And to tell me that this is a civil court action situation would certainly make me wonder why my tax dollars are paying for a division of the New Mexico Oil Conservation Dept. that's totally useless.

I certainly believe that Marks and Garner Oil Company have friends in high places

when they can leave such a mess and owe me for 80 barrels of oil and 40 yards of caliche they used to cover up their mess. And they are still doing business in New Mexico.

I would appreciate a response to this letter. Thank You for your time.

There are 2 pictures included to prove my point. The oil company should at least pay for damage.

Sincerely,
Waldo Presley Duncan
Waldo Presley Duncan
P.O. Box 171
Peralta, N.M. 87042
505-864-8810



Marks & Garner - January 29, 2001



Marks & Garner - January 29, 2001



Marks & Garner - January 29, 2001



Marks & Garner - January 29, 2001



August 1998



April 2002

June 3, 2002

NMOCD Environmental Bureau
ATTN: Paul Sheeley
1625 French Drive
Hobbs, NM 88240

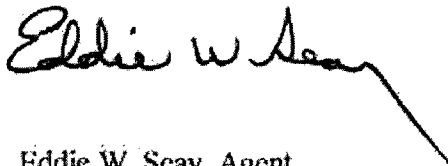
RE: Marks & Garner Production
R.W. Duncan Lease

Dear Mr. Sheeley:

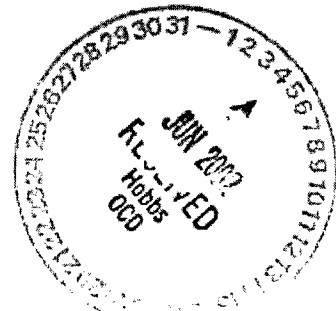
As directed, Marks & Garner have P & A the Duncan well and restored the location pursuant to OCD Rule 202. Mr. Prichard, of your office, witnessed the plugging and inspected the cleanup. All equipment has been removed and contaminated soil hauled to OCD approved facility. Gandy-Marley. Headspace test for BTEX was run during cleanup and final test was less than 100. Field chloride test was 150 ppm. Find within invoice for soil excavation and disposal.

If you have any questions, please call, if not, we consider this issue closed.

Thanks,



Eddie W. Seay, Agent
601 W. Illinois
Hobbs, NM 88242
(505)392-2236



P.O. BOX 88

INVOICE

DAY OR NITE LOCO HILLS 677-2111
ARTESIA 748-4214
TOLL FREE 1-800-748-1972



ORDER NO. 67856

LOCO HILLS, NEW MEXICO 88255

PAGE: 1

Ordered by: DAVID

DATE 3/21/02

TO: MARKS & GARNER PRODUCTION
BOX 70

INVOICE NO. 128732

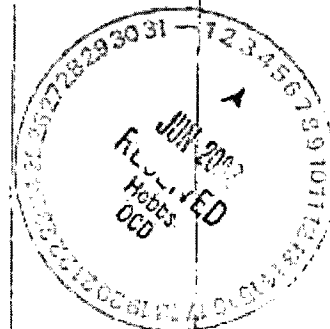
LOVINGTON, NM 88360

LEASE RW DUNKEN

WELL NO.

TERMS
#1 NET 30 DAYS

DATE	TICKET NUMBER	DESCRIPTION OF WORK	RATES	AMOUNT
3/18/02	119201	10.00 HRS DIG UP & LOAD DIRT & CALICHE	55.00	550.00
3/19/02	119202	6.50 HRS HAUL OFF DIRT & CLEAN UP	55.00	357.50
Sub-Total:				907.50
Sales Tax:				52.18
Total Invoice:				959.68



P.O. BOX 28

INVOICE

DAY OF NITE LOCO HILLS 877-2111
ARTESIA 748-4214
TOLL FREE 1-800-748-1972



ORDER NO. 19874

LOCO HILLS, NEW MEXICO 88255

PAGE: 1

Ordered by: DAVID

DATE 3/27/02

TO: MARKS & GARNER PRODUCTION
BOX 70

INVOICE NO. 128958

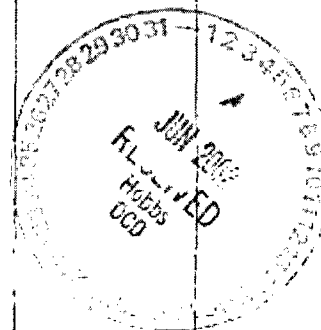
LOVINGTON, NM 88380

LEASE RW DUNKEN

WELL NO.

TERMS
#1 NET 30 DAYS

DATE	TICKET NUMBER	DESCRIPTION OF WORK	RATES	AMOUNT
3/18/02	114205	7.50 HRS HAUL CALICHE & LEVEL	55.00	412.50
3/20/02	114152	7.00 HRS LEVEL ROAD	55.00	385.00



Sub-Total: 797.50
Sales Tax: 50.34
Total Invoice: 847.84

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (505) 347-0434
Fax (505) 347-0435

No 3552

LEASE OPERATOR/SHIPPER/COMPANY MARKS + GARNER Production LTDLEASE NAME RW DUNCAN #1TRANSPORTER COMPANY I & W INC TIME _____ AM/PMDATE 031 VEHICLE NO. _____ DRIVER NO. _____CHARGE TO MARKS + GARNER PO Box 70 LOVINGTON NM 88260

TYPE OF MATERIAL

OCD

☐ Other Material☒ Contaminated soil☐ C-117 No. _____☐ BSAW content _____Description EX-201VOLUME OF MATERIAL [4] YARDS 10 : CELL# 14 : [] _____

AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HERewith IS MATERIAL EXEMPT FROM THE RESOURCE, CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME, 40 U.S.C. §8901, et seq., THE NM HEALTH AND SAF. CODES, §361,001, et seq., AND REGULATIONS RELATED THERETO, BY VIRTUE OF THE EXEMPTION AFFORDED CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLO-
RATION, DEVELOPMENT OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY.

ALSO AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, TRANSPORTER REPRESENTS AND WARRANTS THAT ONLY THE MATERIAL DELIVERED BY OPERATOR/SHIPPER TO TRANSPORTER IS NOW DELIVERED BY TRANSPORTER TO GANDY-MARLEY, INC.'S FACILITY FOR DISPOSAL.

THIS WILL CERTIFY that the above Transporter loaded the material represented by this Transporter Statement at the above described location, and that it was tendered by the above described shipper. This will certify that no additional materials were added to this load, and that the material was delivered without incident.

DRIVER _____

FACILITY REPRESENTATIVE _____

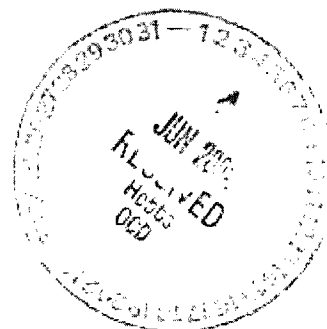
W. H. - GMI

C. W. - Shipper

P. H. - GMI

G. H. - Transporter

Superior Printing Service, Inc.





Gandy Marley, Inc.

P.O. Box 1658 Roswell, NM 88202

Phone 505-347-0434 Fax 505-347-0435

Marks & Garner Production, Ltd.

P.O. Box 70

Livingston, NM 88450

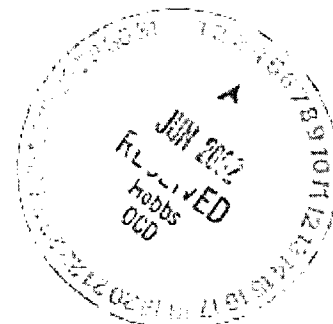
3/27/02

Detailed Report of material for Invoices 3820 thru 3826

EXEMPT UST

Origin: RW Duncan #1

Date:	Ticket No	Description	Transporter	Cost	Units	Unit Type
5/10/02	3552	OCD EXEMPT SOILS	GMI Contracts	1-	10	YARDS
RW Duncan #1 Total YARDS					10	YARDS
EXEMPT UST Total YARDS					10	YARDS
EXEMPT UST Total Units					10	Units
Marks & Garner Production Ltd. Total Units					10	Units



January 24, 2002

Marks & Garner Exploration and Production
Attn: E. L. Link Marks
P.O. Box 70
Lovington, NM 88260

USPS Certified Mail
Return Receipt #7099 3220 0002 3948 2017

Re: Abandon Well and Tank battery
RW Duncan
UL-, Sec. 6 T13S-R36E.

Dear Mr. Marks,

The New Mexico Oil Conservation Division (OCD) received your work plan for the above referenced site on January 15, 2002. The work plan is hereby approved with the following conditions:

1. Marks & Garner Exploration and Production shall plug and abandon the well within 45 days, or by March 12, 2002.
2. Marks & Garner Exploration and Production shall remove all equipment and hardware within 45 days, or by March 12, 2002.
3. Marks & Garner Exploration and Production shall restore the location to safe and clean condition within 45 days, or by March 12, 2002.
4. The PID instrument shall be calibrated according to the guidelines.

For guidance in this matter see Guidelines for Remediation of Leaks, Spills and Releases, August 13, 1993, on the OCD website:

www.emnrd.state.nm.us/oed/bureaus/environmental/review/spill1.doc

Marks & Garner Exploration and Production
Mr. Marks
Page 2...

Please be advised that OCD approval of this plan does not relieve Marks & Garner Exploration and Production of liability should their operations fail to adequately investigate and remediate contaminants that threaten ground water, surface water, human health or the environment. In addition, OCD approval does not relieve Marks & Garner Exploration and Production of responsibility for compliance with any other federal, state, or local laws and/or regulations.

If you have any questions or need any assistance please feel free to contact me at (505) 393-6161 x113 or email psheeley@state.nm.us

Sincerely,

Paul Sheeley-Environmental Engineer

Cc: Roger Anderson - Environmental Bureau Chief
Chris Williams - District I Supervisor
William Olson - OCD Hydrologist
Larry Johnson - Environmental Engineer
Eddie Seay - Consultant

January 14, 2002

NMOCD Environmental Bureau
ATTN: Paul Sheeley
1625 French Drive
Hobbs, NM 88240

RE: Marks & Garner Production
R.W. Duncan
Section 6, Tws. 13 S., Rng. 36 E.

Dear Mr. Sheeley:

This is in response to your notice and letter dated 12/31/2001.

Marks & Garner only recently obtained approval to P & A the well in question. A copy of the approval is within. Whenever the well is plugged, the location and facility will be restored as per rule 202, a copy is attached.

- 1) Marks & Garner will plug and abandon as OCD approved.
- 2) Marks & Garner will remove all equipment and hardware.
- 3) Marks & Garner will restore location and facility.

Find listed the remediation plan for this site as you requested.

Site Ranking

Depth to groundwater is 30' to 40' from surface
ranking score 20

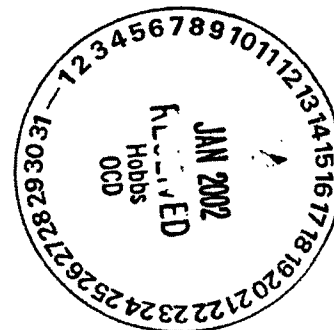
Wellhead Protection area:

There are no water wells or domestic water sources within this area.
ranking score 0

Distance to surface water body:

There are no surface bodies of water within the area.
ranking score 0

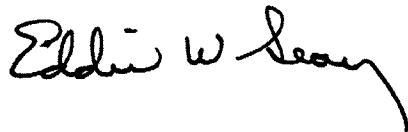
Total ranking score is 20, the cleanup level should be TPH 100, Benzene 10 ppm
and BTEX 50 ppm.



When Marks & Garner conclude its final plugging and after all equipment has been removed, the contaminated soils will be either excavated and hauled or blended in place, depending on the landowner and the extent of contamination.

The sampling will be done during cleanup operations, headspace test for BTEX will be conducted with a calibrated PID meter, and chloride will be run with a titration field kit. Final cleanup samples will be taken to the lab to confirm cleanup levels. Marks & Garner will notify the OCD within 48 hours of any sampling or cleanup activities.

Thank you,

A handwritten signature in cursive script, reading "Eddie W. Seay". The signature is written in dark ink and is positioned below the "Thank you," text.

Eddie W. Seay, Agent
601 W. Illinois
Hobbs, NM 88242
(505)392-2236

March 3, 1981
Appropriate
N.M. Office

State of New Mexico
Energy, Minerals and Natural Resources Department

Form C-103
Revised 1-1-89

INSTRUCT 1
O. Box 190, Hobbs, NM 88240

INSTRUCT 2
O. Box 190, Hobbs, NM 88240

INSTRUCT 3
O. Box 190, Hobbs, NM 88240

OIL CONSERVATION DIVISION

P.O. Box 2088

Santa Fe, New Mexico 87504-2088

WELL APT NO.
30-025-03665

3. Indicate Type of Lease

STATE ☒

PERM ☒

4. State Oil & Gas Lease No.

SUNDRY NOTICES AND REPORTS ON WELLS
DO NOT USE THIS FORM FOR PROPOSALS TO DRILL OR TO DEEPEN OR PLUG BACK TO A
DIFFERENT RESERVOIR. USE "APPLICATION FOR PERMIT"
(FORM O-101) FOR SUCH PROPOSALS.)

Type of Well
OIL ☒ GAS ☐ OTHER ☐

Name of Operator
MARKS AND GARNER PRODUCTION, LTD. CO.

Address of Operator
P O Box 70 LOVINGTON NM 88260

5. Well No.

1

6. Field name or Wellhead

TATUM WOLFCAMP

Well Location
US Later P 330 Feet From The SOUTH Line and 330 Feet From The EAST

Section 6 Township 13S Range 36E NORTH LEA County
10. Wellhead (Show whether OF, RT, or CR, etc.)
4005.5' GR

Check Appropriate Box to Indicate Nature of Notice, Report, or Other Data

NOTICE OF INTENTION TO:

SUBSEQUENT REPORT OF:

FORM REMEDIAL WORK ☐ PLUG AND ABANDON ☒
TEMPORARILY ABANDON ☐ CHANGE PLANS ☐
WELL ALTER CASING ☐
ISR: ☐

REMEDIAL WORK ☐ ALTERING CASING ☐
COMMENCE DRILLING OPER. ☐ PLUG AND ABANDONMENT ☐
CASING TEST AND CEMENT JOB ☐
OTHER: ☐

Describe Proposed or Completed Operations (Clearly state all pertinent details, and give pertinent data, including estimated date of starting any proposed work) 688 RULE 1102

SET CIBR @ 10,350' W/ 25 SACKS CEMENT ON TOP-WAIT 24 HRS @ TAG
LOAD HOLE W/ GEL
SPOT 25 SACKS @ 7850'-WAIT 24 HRS & TAG
SHOOT 5 1/2" CASING @ FREE POINT- APPX 6000'
SPOT 50 SACKS IN AND OUT OF STUB-WAIT 24HRS & TAG
SPOT 50 SACKS @ 4526'-WAIT 24 HRS & TAG
SPOT 50 SACKS @ 2026'- WAIT 24 HRS & TAG
SHOOT 8-5/8" FREE POINT-APPX 1000'-SPOT 50 SACKS IN AND OUT OF STUB
WAIT 24 HRS & TAG
SPOT 50 SACKS @ 306'-WAIT 24 HRS & TAG
INSTALL DRY HOLE MARKER W/ 10 SACKS @ SURFACE

THE COMMISSION MUST BE NOTIFIED 24
HOURS PRIOR TO THE BEGINNING OF
PLUGGING OPERATIONS FOR THE C-103
TO BE APPROVED.

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

SIGNATURE James H. Buddy Garner TITLE PAKERD DATE 10-22-01

PRINT OR PRINT NAME James H. Buddy Garner TELEPHONE NO. 396-5321

This space for (Use)

TRAINED BY ORIGINAL SIGNED BY DATE 10-23-2000

OPERATION APPROVAL, IF ANY

**New Mexico Office of the State Engineer
Well Reports and Downloads**

Township: **13S** Range: **36E** Sections: **6**

NAD27 X: Y: Zone: Search Radius:

County: Basin: Number: Suffix:

Owner Name: (First) (Last) ☒ Non-Domestic ☒ Domestic ☐ All

WATER COLUMN REPORT 01/11/2002

(quarters are 1=NW 2=NE 3=SW 4=SE)
(quarters are biggest to smallest)

Well Number	Tws	Rng	Sec	q	q	q	Zone	X	Y	Depth Well	Depth Water	Water (in feet) Column
L 01078 APPRO	13S	36E	06	2	1	1				80	35	45
L 00200 -S	13S	36E	06	4	2	3				150		

Record Count: 2



Markes + Garner
R.W Duncum Lease
January 2002



Markes & Garner
R.W. Duncan Lease
January 2002

December 31, 2001

Marks & Garner Exploration and Production
Attn: E. L. Link Marks
P.O. Box 70
Lovington, NM 88260

USPS Certified Mail
Return Receipt #7099 3220 0002 3942 6523

Re: Abandon Well and Tank battery
RW Duncan
UL- Sec. 6 T13S-R36E.

Dear Mr. Marks,

The New Mexico Oil Conservation Division (OCD) inspected an abandon well and tank battery at the above referenced site on December 28, 2001. The conditions below witnessed by OCD environmental personnel require corrective action.

- All out of service hardware must be removed.
- Contaminated soil requires removal or remediation.
- Location must be returned to original condition.

Marks & Garner must submit a remediation plan by January 16, 2002 that includes:

1. A site assessment including ranking criteria.
2. Delineation of the horizontal and vertical extent of the Total Petroleum Hydrocarbons, Benzene, BTEX and Chloride in the soil.
3. A detailed sampling plan.
4. A commitment to restore the land to its original condition.
5. Notification to the OCD 48 hours in advance of any sampling event.

Marks & Garner Exploration and Production
Mr. Marks
Page 2...

For guidance in this matter see Guidelines for Remediation of Leaks, Spills and Releases, August 13, 1993, on the OCD website:


www.emnrd.state.nm.us/oed/bureaus/environmental/review/spill1.doc

If you have any questions or need any assistance please feel free to contact me at (505) 393-6161 x113 or email psheeley@state.nm.us

Sincerely,

Paul Sheeley-Environmental Engineer

Cc: Roger Anderson - Environmental Bureau Chief
Chris Williams - District I Supervisor
William Olson - OCD Hydrologist



MARKS & GARNER PRODUCTION CO.
R.W. DUNCAN TANK BATTERY
SE/4, SEC. 6-T13S-R36E
LEA COUNTY, NM 160 ACRES

12.28.2001

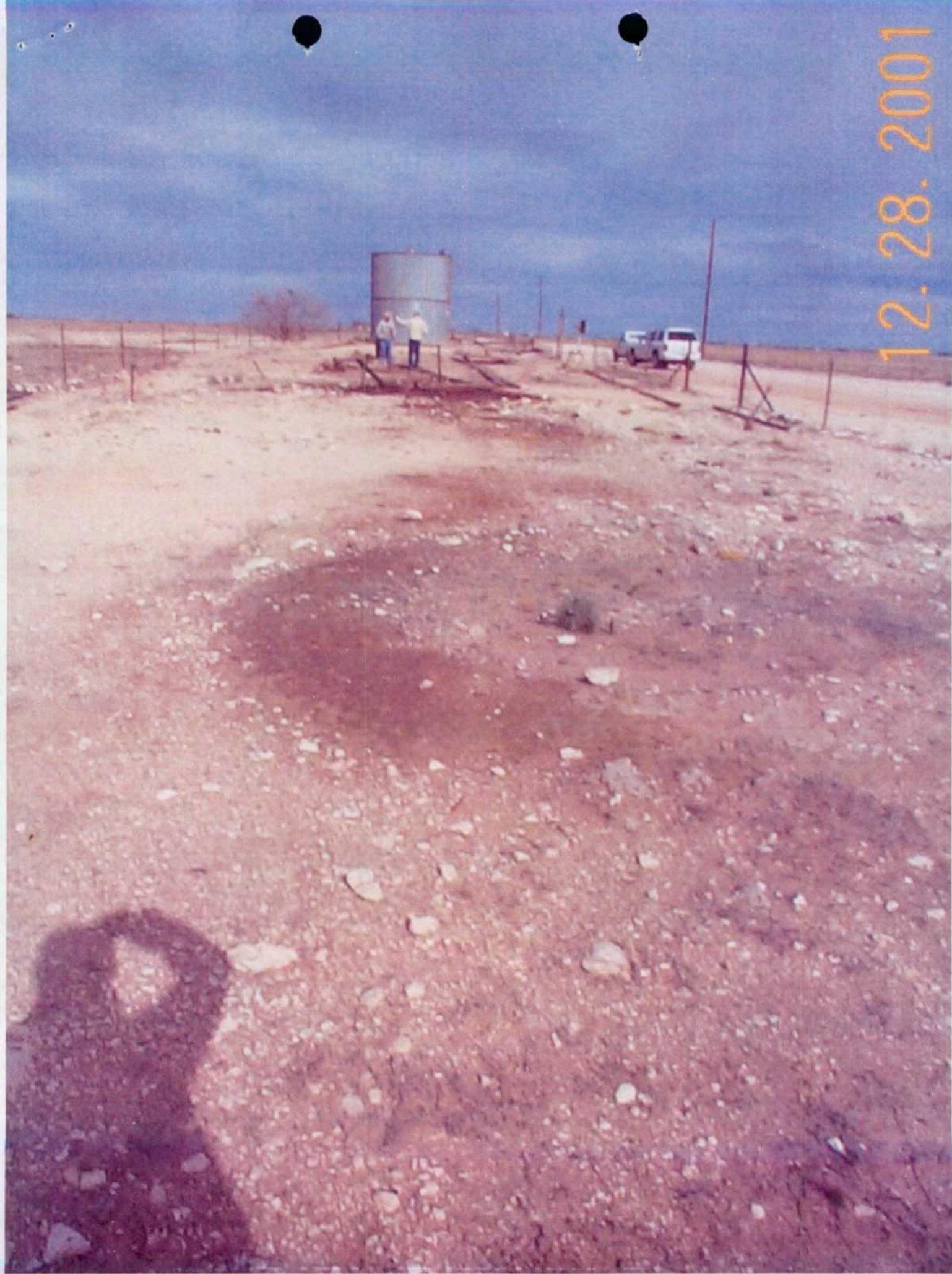


12.28.2001









12.28.2001







2-2-2002





Section 6

Aug 98

Previous oil spills on the ground
mixing with rain puddles. These puddles
laced with oil are standing outside the
fence line. Dangerous to livestock