

1R - 419-0

**GENERAL
CORRESPONDENCE**

2005 - Present

Chavez, Carl J, EMNRD

From: Johnson, Larry, EMNRD
Sent: Wednesday, April 22, 2009 9:11 AM
To: Chavez, Carl J, EMNRD
Cc: Swazo, Sonny, EMNRD
Subject: HungryHorse Burlington Site

FYI: Just became aware of work on the Mc Neil Dauron#3 site. I understand that it was begun on Monday, April 6, 2009. I rejected approval upon discovery of erroneous initial information that given to me by Hungry Horse stating the court had found in landowner McNeil's favor.

Chavez, Carl J, EMNRD

From: Wynn, Tom R [Tom.R.Wynn@conocophillips.com]
Sent: Monday, March 16, 2009 8:42 AM
To: VonGonten, Glenn, EMNRD; Chavez, Carl J, EMNRD
Cc: Statham, Scott (LDZX)
Subject: McNeill Abatement Plan IRP 419
Attachments: LARSON.Well Log & Appn E.pdf

Gentlemen:

As requested, please see the attached QA/QC data from the Larson report that was used to develop the subject plan.

Regards,
Tom

<<LARSON.Well Log & Appn E.pdf>>

Thomas (Tom) Wynn
ConocoPhillips
Site Manager
HSE
1354 Phillips Building
420 S. Keeler
Bartlesville, OK 74074
Voice: 918-661-0310
Fax: 918-662-4192
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This inbound email has been scanned by the MessageLabs Email Security System.

APPENDIX D

Boring Log

Client: Lynch, Chappell, and Alsop

Project: Burlington Resources

Project No: 3-0119

Location: Lea County, New Mexico

Log: BH-1

Area:

Page: 1 of 1

Geologist: M.J. Larson

SUBSURFACE PROFILE			SAMPLE			PID ppm 20 60 100	Notes
Depth	Symbol	Description	Number	Type	Recovery		
0		Ground Surface.					
0 - 5		Silty-Sandy Clay 10 Yr. 3/3, dark brown, very fine grain quartz sand, moist, no odor, fill material	1			63.4	
0 - 5		Silty-Sandy Clay 10 Yr. 3/2, very dark grayish brown, very fine grain quartz sand, hydrocarbon stain and odor	2			79.2	
5 - 6			3			56.9	
6 - 7			4			51.5	
7 - 8			5			46.9	
8 - 9			6			5.9	
9 - 10		Caliche 10 Yr. 7/4, very pale brown, hard	7			3.6	
10 - 11			8			3.4	
11 - 12			9			1.3	
12 - 13			10			1.3	
13 - 14		Sand 10 Yr. 6/6, brownish yellow, very fine grain quartz sand, dry, very low odor, loose slightly compacted @ 8'	11			0.1	
14 - 15			12			0.5	
15 - 16			13			0.6	
16 - 17			14			3.5	
17 - 18		2.5 Yr. 8/2, pale yellow, below 8'	15			1.0	
18 - 19			16			0.4	
19 - 20		moist from 17' - 22', clayey, fine to medium grained quartz sand, very moist to wet at 27'	17			0.4	
20 - 21		10 Yr. 6/4, light yellowish brown	18			2.0	
21 - 22			19			1.8	
22 - 23			20			1.8	
23 - 24			21			0.4	
24 - 25			22			1.2	
25 - 26			23			1.4	
26 - 27			24			1.6	
27 - 28		Sandy Clay 5 Yr. 5/6 yellowish red, fine to medium grained quartz sand, stiff, moist	25			0.4	
28 - 29			26			0.4	
29 - 30		Sand 7.5 Yr. 6/4, light brown, very fine grained quartz sand, loose to slightly compacted clayey	27			1.6	
30 - 31			28			0.6	
31 - 32			29			0.4	
32 - 33			30			0.4	
33 - 34			31			1.2	
34 - 35			32			1.4	
35 - 36			33			1.6	
36 - 37			34			0.4	
37 - 38			35			0.4	
38 - 39			36			0.4	
39 - 40			37			0.4	
40 - 41			38			0.4	
41 - 42			39			0.4	
42 - 43			40			0.4	
43 - 44			41			0.4	
44 - 45			42			0.4	
45 - 46			43			0.4	
46 - 47			44			0.4	
47 - 48			45			0.4	
48 - 49			46			0.4	
49 - 50			47			0.4	
50 - 51			48			0.4	
51 - 52		Sandy Clay 7.5 Yr. 6/4, light brown, very fine grained quartz sand, stiff					
52 - 53							
53 - 54							
54 - 55							
55		TD 48'					

Drill Method: HSA

Drill Date: 9/30/04

Hole Size: 5"

Larson and Associates, Inc
507 N. Marienfeld, Suite 202
Midland, Texas 79701
(432) 687-0901

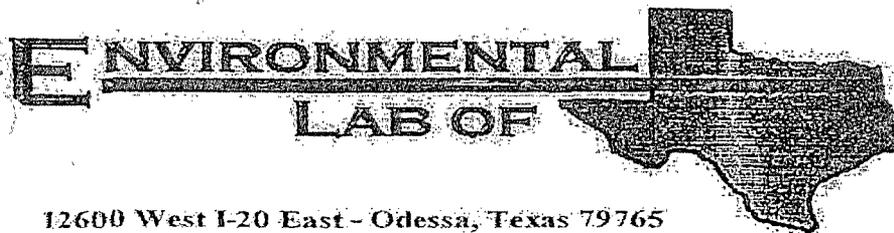
Elevation: N/A

Checked by: M.J. Larson

Drilled by: M.J. Larson

APPENDIX E

Laboratory Report



12600 West I-20 East - Odessa, Texas 79765

Analytical Report

Prepared for:

Mark Larson

Larson & Associates, Inc.

P.O. Box 50685

Midland, TX 79710

Project: Lynch, Chappell & Alsup, P.C./ Burlington Res.

Project Number: 3-0119

Location: None Given

Lab Order Number: 4J01005

Report Date: 10/05/04

Larson & Associates, Inc.
P.O. Box 50685
Midland TX, 79710

Project: Lynch, Chappell & Alsup, P.C./ Burlingto
Project Number: 3-0119
Project Manager: Mark Larson

Fax: (432) 687-0456
Reported:
10/05/04 12:04

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
BH-1, 0-1'	4J01005-01	Soil	09/30/04 14:45	10/01/04 12:00
BH-1, 1-2'	4J01005-02	Soil	09/30/04 14:45	10/01/04 12:00
BH-1, 5-6'	4J01005-03	Soil	09/30/04 15:03	10/01/04 12:00
BH-1, 6-7'	4J01005-04	Soil	09/30/04 15:03	10/01/04 12:00
BH-1, 8-9.5'	4J01005-06	Soil	09/30/04 15:03	10/01/04 12:00
BH-1, 10-11'	4J01005-07	Soil	09/30/04 15:18	10/01/04 12:00
BH-1, 11-12'	4J01005-08	Soil	09/30/04 15:18	10/01/04 12:00
BH-1, 13-14'	4J01005-10	Soil	09/30/04 15:18	10/01/04 12:00
BH-1, 15-16'	4J01005-11	Soil	09/30/04 15:33	10/01/04 12:00
BH-1, 16-17'	4J01005-12	Soil	09/30/04 15:33	10/01/04 12:00
BH-1, 17-18'	4J01005-13	Soil	09/30/04 15:33	10/01/04 12:00
BH-1, 20-21'	4J01005-14	Soil	09/30/04 15:45	10/01/04 12:00
BH-1, 21-22'	4J01005-15	Soil	09/30/04 15:45	10/01/04 12:00
BH-1, 23-24'	4J01005-17	Soil	09/30/04 15:45	10/01/04 12:00
BH-1, 25-26'	4J01005-18	Soil	09/30/04 16:02	10/01/04 12:00
BH-1, 26-27'	4J01005-19	Soil	09/30/04 16:02	10/01/04 12:00
BH-1, 30-31'	4J01005-20	Soil	09/30/04 16:12	10/01/04 12:00
BH-1, 35-36'	4J01005-22	Soil	09/30/04 16:25	10/01/04 12:00
BH-1, 40-41'	4J01005-24	Soil	09/30/04 16:50	10/01/04 12:00
BH-1, 41-42'	4J01005-25	Soil	09/30/04 16:50	10/01/04 12:00
BH-1, 45-46'	4J01005-26	Soil	09/30/04 17:07	10/01/04 12:00
BH-1, 46-47'	4J01005-27	Soil	09/30/04 17:07	10/01/04 12:00
BH-1, 47-48'	4J01005-28	Soil	09/30/04 17:07	10/01/04 12:00

Larson & Associates, Inc.
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Project: Lynch, Chappell & Alsup, P.C./ Burlington
Project Number: 3-0119
Project Manager: Mark Larson

Fax: (432) 687-0456

Reported:
10/05/04 12:04

Organics by GC
Environmental Lab of Texas

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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BH-1, 6-7' (4J01005-04) Soil

Gasoline Range Organics C6-C12	426	50.0	mg/kg dry	5	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	6610	50.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	7040	50.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		19.3 %		70-130	"	"	"	"	S-06
Surrogate: 1-Chlorooctadecane		26.2 %		70-130	"	"	"	"	S-06

BH-1, 10-11' (4J01005-07) Soil

Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	10.7	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	10.7	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		94.0 %		70-130	"	"	"	"	
Surrogate: 1-Chlorooctadecane		101 %		70-130	"	"	"	"	

BH-1, 15-16' (4J01005-11) Soil

Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	ND	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	ND	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		104 %		70-130	"	"	"	"	
Surrogate: 1-Chlorooctadecane		118 %		70-130	"	"	"	"	

BH-1, 20-21' (4J01005-14) Soil

Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	ND	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	ND	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		92.4 %		70-130	"	"	"	"	
Surrogate: 1-Chlorooctadecane		105 %		70-130	"	"	"	"	

BH-1, 25-26' (4J01005-18) Soil

Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	ND	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	ND	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		94.0 %		70-130	"	"	"	"	
Surrogate: 1-Chlorooctadecane		109 %		70-130	"	"	"	"	

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P.O. Box 50685
Midland TX, 79710

Project: Lynch, Chappell & Alsup, P.C./ Burlingto
Project Number: 3-0119
Project Manager: Mark Larson

Fax: (432) 687-0456
Reported:
10/05/04 12:04

Organics by GC
Environmental Lab of Texas

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
BH-1, 30-31' (4J01005-20) Soil									
Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	ND	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	ND	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		99.4 %	70-130		"	"	"	"	
Surrogate: 1-Chlorooctadecane		114 %	70-130		"	"	"	"	
BH-1, 35-36' (4J01005-22) Soil									
Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	ND	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	ND	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		97.0 %	70-130		"	"	"	"	
Surrogate: 1-Chlorooctadecane		109 %	70-130		"	"	"	"	
BH-1, 40-41' (4J01005-24) Soil									
Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	ND	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	ND	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		101 %	70-130		"	"	"	"	
Surrogate: 1-Chlorooctadecane		113 %	70-130		"	"	"	"	
BH-1, 45-46' (4J01005-26) Soil									
Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	22.6	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	22.6	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		102 %	70-130		"	"	"	"	
Surrogate: 1-Chlorooctadecane		116 %	70-130		"	"	"	"	

Larson & Associates, Inc.
P.O. Box 50685
Midland TX, 79710

Project: Lynch, Chappell & Alsup, P.C./ Burlington
Project Number: 3-0119
Project Manager: Mark Larson

Fax: (432) 687-0456

Reported:
10/05/04 12:04

**Organics by GC
Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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BH-1, 0-1' (4J01005-01) Soil

Gasoline Range Organics C6-C12	172	50.0	mg/kg dry	5	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	4840	50.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	5010	50.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		21.2 %		70-130	"	"	"	"	S-06
Surrogate: 1-Chlorooctadecane		25.4 %		70-130	"	"	"	"	S-06

BH-1, 1-2' (4J01005-02) Soil

Benzene	ND	0.0250	mg/kg dry	25	EJ40504	10/04/04	10/04/04	EPA 8021B	
Toluene	0.0481	0.0250	"	"	"	"	"	"	
Ethylbenzene	0.173	0.0250	"	"	"	"	"	"	
Xylene (p/m)	0.550	0.0250	"	"	"	"	"	"	
Xylene (o)	0.209	0.0250	"	"	"	"	"	"	
Surrogate: a,a,a-Trifluorotoluene		91.8 %		80-120	"	"	"	"	
Surrogate: 4-Bromofluorobenzene		132 %		80-120	"	"	"	"	S-04
Gasoline Range Organics C6-C12	532	50.0	mg/kg dry	5	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	8810	50.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	9340	50.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		21.0 %		70-130	"	"	"	"	S-06
Surrogate: 1-Chlorooctadecane		27.2 %		70-130	"	"	"	"	S-06

BH-1, 5-6' (4J01005-03) Soil

Benzene	ND	0.0250	mg/kg dry	25	EJ40504	10/04/04	10/04/04	EPA 8021B	
Toluene	0.0328	0.0250	"	"	"	"	"	"	
Ethylbenzene	0.0778	0.0250	"	"	"	"	"	"	
Xylene (p/m)	0.244	0.0250	"	"	"	"	"	"	
Xylene (o)	0.0912	0.0250	"	"	"	"	"	"	
Surrogate: a,a,a-Trifluorotoluene		87.4 %		80-120	"	"	"	"	
Surrogate: 4-Bromofluorobenzene		117 %		80-120	"	"	"	"	
Gasoline Range Organics C6-C12	522	50.0	mg/kg dry	5	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	7410	50.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	7930	50.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		20.2 %		70-130	"	"	"	"	S-06
Surrogate: 1-Chlorooctadecane		21.4 %		70-130	"	"	"	"	S-06

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Page 2 of 14

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P.O. Box 50685
Midland TX, 79710

Project: Lynch, Chappell & Alsop, P.C./ Burlingto
Project Number: 3-0119
Project Manager: Mark Larson

Fax: (432) 687-0456
Reported:
10/05/04 12:04

**General Chemistry Parameters by EPA / Standard Methods
Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
BH-1, 0-1' (4J01005-01) Soil									
Chloride	1380	20.0	mg/kg Wet	2	EI42904	10/01/04	10/04/04	SW 846 9253	
% Solids	87.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
BH-1, 1-2' (4J01005-02) Soil									
Chloride	2790	20.0	mg/kg Wet	2	EI42904	10/01/04	10/04/04	SW 846 9253	
% Solids	90.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
BH-1, 5-6' (4J01005-03) Soil									
Chloride	1830	20.0	mg/kg Wet	2	EI42904	10/01/04	10/04/04	SW 846 9253	
% Solids	89.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
BH-1, 6-7' (4J01005-04) Soil									
Chloride	1380	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	94.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
BH-1, 8-9.5' (4J01005-06) Soil									
Chloride	1830	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
BH-1, 10-11' (4J01005-07) Soil									
Chloride	1790	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	94.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
BH-1, 11-12' (4J01005-08) Soil									
Chloride	2420	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
BH-1, 13-14' (4J01005-10) Soil									
Chloride	1280	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
BH-1, 15-16' (4J01005-11) Soil									
Chloride	1320	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	96.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	

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Page 5 of 14

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P.O. Box 50685
Midland TX, 79710

Project: Lynch, Chappell & Ajsup, P.C./ Burlingto
Project Number: 3-0119.
Project Manager: Mark Larson

Fax: (432) 687-0456
Reported:
10/05/04 12:04

**General Chemistry Parameters by EPA / Standard Methods
Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
BH-1, 16-17' (4J01005-12) Soil									
Chloride	1620	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
BH-1, 17-18' (4J01005-13) Soil									
Chloride	1580	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
BH-1, 20-21' (4J01005-14) Soil									
Chloride	2000	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	93.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
BH-1, 21-22' (4J01005-15) Soil									
Chloride	2680	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
BH-1, 23-24' (4J01005-17) Soil									
Chloride	1000	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
H-1, 25-26' (4J01005-18) Soil									
Chloride	978	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	98.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
BH-1, 26-27' (4J01005-19) Soil									
Chloride	723	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
BH-1, 30-31' (4J01005-20) Soil									
Chloride	1320	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	96.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
BH-1, 35-36' (4J01005-22) Soil									
Chloride	936	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	99.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	

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P.O. Box 50685
Midland TX, 79710

Project: Lynch, Chappell & Alsup, P.C./ Burlingto
Project Number: 3-0119
Project Manager: Mark Larson

Fax: (432) 687-0456
Reported:
10/05/04 12:04

**General Chemistry Parameters by EPA / Standard Methods
Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
BH-1, 40-41' (4J01005-24) Soil									
Chloride	3220	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	89.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
BH-1, 41-42' (4J01005-25) Soil									
Chloride	2770	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
BH-1, 45-46' (4J01005-26) Soil									
Chloride	2940	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	94.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
BH-1, 46-47' (4J01005-27) Soil									
Chloride	2300	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
BH-1, 47-48' (4J01005-28) Soil									
Chloride	4040	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	

Environmental Lab of Texas

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Project Number: 3-0119
Project Manager: Mark Larson

Fax: (432) 687-0456
Reported:
10/05/04 12:04

**Organics by GC - Quality Control
Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch EJ40101 - Solvent Extraction (GC)										
Blank (EJ40101-BLK1)					Prepared & Analyzed: 10/01/04					
Gasoline Range Organics C6-C12	ND	10.0	mg/kg wet							
Diesel Range Organics >C12-C35	ND	10.0	"							
Total Hydrocarbon C6-C35	ND	10.0	"							
Surrogate: 1-Chlorooctane	41.4		mg/kg	50.0		82.8	70-130			
Surrogate: 1-Chlorooctadecane	51.3		"	50.0		103	70-130			
Blank (EJ40101-BLK2)					Prepared: 10/01/04 Analyzed: 10/02/04					
Gasoline Range Organics C6-C12	ND	10.0	mg/kg wet							
Diesel Range Organics >C12-C35	ND	10.0	"							
Total Hydrocarbon C6-C35	ND	10.0	"							
Surrogate: 1-Chlorooctane	41.4		mg/kg	50.0		82.8	70-130			
Surrogate: 1-Chlorooctadecane	46.2		"	50.0		92.4	70-130			
LCS (EJ40101-BS1)					Prepared & Analyzed: 10/01/04					
Gasoline Range Organics C6-C12	414	10.0	mg/kg wet	500		82.8	75-125			
Diesel Range Organics >C12-C35	491	10.0	"	500		98.2	75-125			
Total Hydrocarbon C6-C35	905	10.0	"	1000		90.5	75-125			
Surrogate: 1-Chlorooctane	41.9		mg/kg	50.0		83.8	70-130			
Surrogate: 1-Chlorooctadecane	42.3		"	50.0		84.6	70-130			
LCS (EJ40101-BS2)					Prepared: 10/01/04 Analyzed: 10/02/04					
Gasoline Range Organics C6-C12	455	10.0	mg/kg wet	500		91.0	75-125			
Diesel Range Organics >C12-C35	497	10.0	"	500		99.4	75-125			
Total Hydrocarbon C6-C35	952	10.0	"	1000		95.2	75-125			
Surrogate: 1-Chlorooctane	42.6		mg/kg	50.0		85.2	70-130			
Surrogate: 1-Chlorooctadecane	46.7		"	50.0		93.4	70-130			
Calibration Check (EJ40101-CCV1)					Prepared & Analyzed: 10/01/04					
Gasoline Range Organics C6-C12	467		mg/kg	500		93.4	80-120			
Diesel Range Organics >C12-C35	574		"	500		115	80-120			
Total Hydrocarbon C6-C35	1040		"	1000		104	80-120			
Surrogate: 1-Chlorooctane	54.3		"	50.0		109	70-130			
Surrogate: 1-Chlorooctadecane	61.9		"	50.0		124	70-130			

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Project Manager: Mark Larson

Fax: (432) 687-0456

Reported:
10/05/04 12:04

Organics by GC - Quality Control
Environmental Lab of Texas

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch EJ40101 - Solvent Extraction (GC)

Calibration Check (EJ40101-CCV2)

Prepared & Analyzed: 10/01/04

Gasoline Range Organics C6-C12	470		mg/kg	500		94.0	80-120			
Diesel Range Organics >C12-C35	576		"	500		115	80-120			
Total Hydrocarbon C6-C35	1050		"	1000		105	80-120			
Surrogate: 1-Chlorooctane	55.5		"	50.0		111	70-130			
Surrogate: 1-Chlorooctadecane	55.3		"	50.0		111	70-130			

Matrix Spike (EJ40101-MS1)

Source: 4J01004-01

Prepared & Analyzed: 10/01/04

Gasoline Range Organics C6-C12	495	10.0	mg/kg dry	543	ND	91.2	75-125			
Diesel Range Organics >C12-C35	572	10.0	"	543	ND	105	75-125			
Total Hydrocarbon C6-C35	1070	10.0	"	1090	ND	98.2	75-125			
Surrogate: 1-Chlorooctane	57.5		mg/kg	50.0		115	70-130			
Surrogate: 1-Chlorooctadecane	60.0		"	50.0		120	70-130			

Matrix Spike (EJ40101-MS2)

Source: 4J01009-03

Prepared: 10/01/04 Analyzed: 10/02/04

Gasoline Range Organics C6-C12	561	10.0	mg/kg dry	568	ND	98.8	75-125			
Diesel Range Organics >C12-C35	559	10.0	"	568	ND	98.4	75-125			
Total Hydrocarbon C6-C35	1120	10.0	"	1140	ND	98.2	75-125			
Surrogate: 1-Chlorooctane	51.4		mg/kg	50.0		103	70-130			
Surrogate: 1-Chlorooctadecane	53.6		"	50.0		107	70-130			

Matrix Spike Dup (EJ40101-MSD1)

Source: 4J01004-01

Prepared & Analyzed: 10/01/04

Gasoline Range Organics C6-C12	495	10.0	mg/kg dry	543	ND	91.2	75-125	0.00	20	
Diesel Range Organics >C12-C35	568	10.0	"	543	ND	105	75-125	0.702	20	
Total Hydrocarbon C6-C35	1060	10.0	"	1090	ND	97.2	75-125	0.939	20	
Surrogate: 1-Chlorooctane	56.8		mg/kg	50.0		114	70-130			
Surrogate: 1-Chlorooctadecane	59.0		"	50.0		118	70-130			

Matrix Spike Dup (EJ40101-MSD2)

Source: 4J01009-03

Prepared: 10/01/04 Analyzed: 10/02/04

Gasoline Range Organics C6-C12	563	10.0	mg/kg dry	568	ND	99.1	75-125	0.356	20	
Diesel Range Organics >C12-C35	564	10.0	"	568	ND	99.3	75-125	0.890	20	
Total Hydrocarbon C6-C35	1130	10.0	"	1140	ND	99.1	75-125	0.889	20	
Surrogate: 1-Chlorooctane	53.7		mg/kg	50.0		107	70-130			
Surrogate: 1-Chlorooctadecane	52.5		"	50.0		105	70-130			

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Larson & Associates, Inc.
P.O. Box 50685
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Project: Lynch, Chappell & Alsup, P.C./ Burlington
Project Number: 3-0119
Project Manager: Mark Larson

Fax: (432) 687-0456
Reported:
10/05/04 12:04

**Organics by GC - Quality Control
Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch EJ40504 - EPA 5030C (GC)

Blank (EJ40504-BLK1)

Prepared & Analyzed: 10/04/04

Benzene	ND	0.0250	mg/kg wet							
Toluene	ND	0.0250	"							
Ethylbenzene	ND	0.0250	"							
Xylene (p/m)	ND	0.0250	"							
Xylene (o)	ND	0.0250	"							
Surrogate: a,a,a-Trifluorotoluene	88.4		ug/kg	100		88.4	80-120			
Surrogate: 4-Bromofluorobenzene	120		"	100		120	80-120			

LCS (EJ40504-BS1)

Prepared & Analyzed: 10/04/04

Benzene	88.3		ug/kg	100		88.3	80-120			
Toluene	90.4		"	100		90.4	80-120			
Ethylbenzene	91.1		"	100		91.1	80-120			
Xylene (p/m)	204		"	200		102	80-120			
Xylene (o)	98.5		"	100		98.5	80-120			
Surrogate: a,a,a-Trifluorotoluene	102		"	100		102	80-120			
Surrogate: 4-Bromofluorobenzene	117		"	100		117	80-120			

Calibration Check (EJ40504-CCV1)

Prepared: 10/04/04 Analyzed: 10/05/04

Benzene	89.4		ug/kg	100		89.4	80-120			
Toluene	89.7		"	100		89.7	80-120			
Ethylbenzene	84.6		"	100		84.6	80-120			
Xylene (p/m)	181		"	200		90.5	80-120			
Xylene (o)	85.6		"	100		85.6	80-120			
Surrogate: a,a,a-Trifluorotoluene	104		"	100		104	80-120			
Surrogate: 4-Bromofluorobenzene	111		"	100		111	80-120			

Matrix Spike (EJ40504-MS1)

Source: 4J04001-02

Prepared: 10/04/04 Analyzed: 10/05/04

Benzene	87.3		ug/kg	100	ND	87.3	80-120			
Toluene	87.8		"	100	ND	87.8	80-120			
Ethylbenzene	85.8		"	100	ND	85.8	80-120			
Xylene (p/m)	191		"	200	ND	95.5	80-120			
Xylene (o)	90.2		"	100	ND	90.2	80-120			
Surrogate: a,a,a-Trifluorotoluene	101		"	100		101	80-120			
Surrogate: 4-Bromofluorobenzene	120		"	100		120	80-120			

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Project: Lynch, Chappell & Alsup, P.C./ Burlingto
Project Number: 3-0119
Project Manager: Mark Larson

Fax: (432) 687-0456
Reported:
10/05/04 12:04

**Organics by GC - Quality Control
Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch EJ40504 - EPA 5030C (GC)										
Matrix Spike Dup (EJ40504-MSD1)		Source: 4J04001-02		Prepared: 10/04/04		Analyzed: 10/05/04				
Benzene	89.9		ug/kg	100	ND	89.9	80-120	2.93	20	
Toluene	90.9		"	100	ND	90.9	80-120	3.47	20	
Ethylbenzene	86.8		"	100	ND	86.8	80-120	1.16	20	
Xylene (p/m)	194		"	200	ND	97.0	80-120	1.56	20	
Xylene (o)	90.7		"	100	ND	90.7	80-120	0.553	20	
Surrogate: <i>a,a,a</i> -Trifluorotoluene	108		"	100		108	80-120			
Surrogate: 4-Bromofluorobenzene	118		"	100		118	80-120			

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Project Manager: Mark Larson

Fax: (432) 687-0456

Reported:
10/05/04 12:04

**General Chemistry Parameters by EPA / Standard Methods - Quality Control
Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch EI42904 - Water Extraction										
Blank (EI42904-BLK1) Prepared & Analyzed: 10/04/04										
Chloride	ND	20.0	mg/kg Wet							
Matrix Spike (EI42904-MS1) Source: 4129004-01 Prepared: 09/29/04 Analyzed: 10/04/04										
Chloride	510	20.0	mg/kg Wet	500	0.00	102	80-120			
Matrix Spike Dup (EI42904-MSD1) Source: 4129004-01 Prepared: 09/29/04 Analyzed: 10/04/04										
Chloride	500	20.0	mg/kg Wet	500	0.00	100	80-120	1.98	20	
Reference (EI42904-SRM1) Prepared & Analyzed: 10/04/04										
Chloride	4940		mg/kg	5000		98.8	80-120			
Batch EJ40406 - % Solids										
Blank (EJ40406-BLK1) Prepared: 10/01/04 Analyzed: 10/04/04										
% Solids	100		%							
Duplicate (EJ40406-DUP1) Source: 4J01001-01 Prepared: 10/01/04 Analyzed: 10/04/04										
% Solids	90.0		%		90.0			0.00	20	
Batch EJ40411 - Water Extraction										
Blank (EJ40411-BLK1) Prepared: 10/01/04 Analyzed: 10/04/04										
Chloride	ND	20.0	mg/kg Wet							
Matrix Spike (EJ40411-MS1) Source: 4J01005-04 Prepared: 10/01/04 Analyzed: 10/04/04										
Chloride	1850	20.0	mg/kg Wet	500	1380	94.0	80-120			

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General Chemistry Parameters by EPA / Standard Methods - Quality Control
Environmental Lab of Texas

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch EJ40411 - Water Extraction

Matrix Spike Dup (EJ40411-MSD1)

Source: 4J01005-04

Prepared: 10/01/04

Analyzed: 10/04/04

Chloride	1830	20.0	mg/kg Wet	500	1380	90.0	80-120	1.09	20	
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Reference (EJ40411-SRM1)

Prepared & Analyzed: 10/04/04

Chloride	5000		mg/kg	5000		100	80-120			
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Notes and Definitions

- S-06 The recovery of this surrogate is outside control limits due to sample dilution required from high analyte concentration and/or matrix interference's.
- S-04 The surrogate recovery for this sample is outside of established control limits due to a sample matrix effect.
- DET Analyte DETECTED
- ND Analyte NOT DETECTED at or above the reporting limit
- NR Not Reported
- dry Sample results reported on a dry weight basis
- RPD Relative Percent Difference
- LCS Laboratory Control Spike
- MS Matrix Spike
- Dup Duplicate

Report Approved By: Raland K Tuttle Date: 10-5-04

Raland K. Tuttle, Lab Manager
Celey D. Keene, Lab Director, Org. Tech Director
Peggy Allen, QA Officer

Jeanne Mc Murrey, Inorg. Tech Director
James L. Hawkins, Chemist/Geologist
Sandra Biezugbe, Lab Tech.

This material is intended only for the use of the individual (s) or entity to whom it is addressed, and may contain information that is privileged and confidential.

If you have received this material in error, please notify us immediately at 432-563-1800.

**Environmental Lab of Texas
Variance / Corrective Action Report – Sample Log-In**

Client: Larson + Associates

Date/Time: 10-01-04 @ 1230

Order #: 4501005

Initials: JMM

Sample Receipt Checklist

Temperature of container/cooler?	<input checked="" type="checkbox"/> Yes	No	2.5	C
Shipping container/cooler in good condition?	<input checked="" type="checkbox"/> Yes	No		
Custody Seals intact on shipping container/cooler?	Yes	No	Not present	
Custody Seals intact on sample bottles?	Yes	No	Not present	
Chain of custody present?	<input checked="" type="checkbox"/> Yes	No		
Sample Instructions complete on Chain of Custody?	<input checked="" type="checkbox"/> Yes	No		
Chain of Custody signed when relinquished and received?	<input checked="" type="checkbox"/> Yes	No		
Chain of custody agrees with sample label(s)	Yes	No	NO LABELS - WRITTEN ON LID	ALSO B4-1 26-27'
Container labels legible and intact?	Yes	No	NO LABELS - WRITTEN ON LID	labeled B4-1 27-28
Sample Matrix and properties same as on chain of custody?	<input checked="" type="checkbox"/> Yes	No		
Samples in proper container/bottle?	<input checked="" type="checkbox"/> Yes	No		
Samples properly preserved?	<input checked="" type="checkbox"/> Yes	No		
Sample bottles intact?	<input checked="" type="checkbox"/> Yes	No		
Preservations documented on Chain of Custody?	<input checked="" type="checkbox"/> Yes	No		
Containers documented on Chain of Custody?	<input checked="" type="checkbox"/> Yes	No		
Sufficient sample amount for indicated test?	<input checked="" type="checkbox"/> Yes	No		
All samples received within sufficient hold time?	<input checked="" type="checkbox"/> Yes	No		
VOC samples have zero headspace?	<input checked="" type="checkbox"/> Yes	No	Not Applicable	

Other observations:

Variance Documentation:

Contact Person: -Mark Larson Date/Time: 10-01-04 @ 1445 Contacted by: Jeanne McMurray
 Regarding:

voc / label discrepancy

Corrective Action Taken:

Client confirmed sample should be B4-1 26-27'
as reflected on COC

CHAIN-OF-CUSTODY RECORD

CLIENT NAME: Lynch, Crappell + Alsop, P.C.
 PROJECT NO.: 3-0119
 SITE MANAGER: M. Larson
 PROJECT NAME: Burlington Res.

LAB. ID. NUMBER (LAB USE ONLY)
 REMARKS
 (I.E. FILTERED, UNFILTERED, PRESERVED, UNPRESERVED, GRAB COMPOSITE)

RECEIVING LABORATORY: ELL
 ADDRESS: 12 Zoo W 120 E
 CITY: Albany STATE: TX ZIP: 5
 CONTACT: Robert Tullie PHONE: 563-1800
 SAMPLE CONDITION WHEN RECEIVED: 2.5°C on ice

DATE	TIME	WATER	SOIL	OTHER	SAMPLE IDENTIFICATION	NUMBER OF CONTAINERS	PARAMETERS/METHOD NUMBER	LAB. ID. NUMBER (LAB USE ONLY)	REMARKS
9/24/02	1602	X			B11-1, 26-27'	1	TRH (8015) BTEX (8218) Chlora	4J01005-19	
	1612				30-31'	1		-20	
	"				31-32.5'	1		-21	
	1625				35-36'	1		-22	
	"				36-37'	1		-23	
	1650				40-41'	1		-24	
	"				41-42'	1		-25	
	1707				45-46'	1		-26	
	"				46-47'	1		-27	
	"				47-48'	1		-28	

SAMPLED BY: (Signature) [Signature] DATE: 9/24/02 TIME: 1707
 RELINQUISHED BY: (Signature) [Signature] DATE: 9/24/02 TIME: 1707
 RECEIVED BY: (Signature) [Signature] DATE: 9/24/02 TIME: 1707
 SAMPLE SHIPPED BY: (Circle) HAND DELIVERED BUS AIRBILL #:
FEDEX UPS OTHER:
 WHITE - RECEIVING LAB
 YELLOW - RECEIVING LAB (TO BE RETURNED TO LA AFTER RECEIPT)
 PINK - PROJECT MANAGER
 GOLD - QA/QC COORDINATOR
 SAMPLE TYPE: Soil

RECEIVED BY: (Signature) [Signature] DATE: 10-1-04 TIME: 12:00
 LA CONTACT PERSON: Mark Larson
 TURNAROUND TIME NEEDED: _____



2009 FEB 24 PM 1 27

February 23, 2009

Carl J. Chavez, CHMM
New Mexico Energy, Minerals & Natural Resources Dept.
Oil Conservation Division, Environmental Bureau
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: McNeill - Dauron #3 - Remediation of Slush Pit

Dear Mr. Chavez:

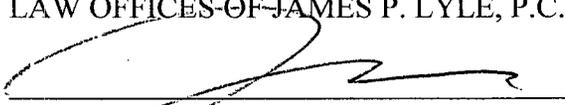
The McNeill Ranch has retained Hungry Horse LLC for the purpose of remediating the Dauron #3 slush pit located on Ranch property. Burlington Resources originally held the liability of the pit until Conoco/Phillips purchased it in a business transaction between the two companies. We requested that Burlington clean up the location several years ago. A law suit was filed around 1998 because of Burlington's disregard for resolving the situation. The Ranch now feels that it is in a position to be able to recuperate the cost of the clean-up due to changes that have been made to the State laws.

We resolve to clean the pit to no less than the required standards as outlined by the OCD guidelines. We will remove all chlorides in excess of 250 ppm, tph in excess of 100 ppm, and btex in excess of 50 ppm. The impacted material will be hauled to a permitted disposal facility and clean soil will be used to replace what was removed. We will monitor the process with continual sampling to verify that only the impacted materials are being removed and hauled to disposal. We have an excavation plan that has been approved by a licensed engineer in order to be compliant with OSHA requirements. We intend to be very transparent throughout the entire process and welcome any involvement from the OCD.

I understand that the OCD has some concerns that remediation of this site is subject to the lawsuit for damages the McNeill Ranch is pursuing against Burlington/Conoco. This is not correct. The suit is limited to a claim for monetary damages related to the cost of the cleanup. No injunctive relief is sought or can be granted. In other words, regardless of who wins the lawsuit, the only relief that can be awarded is money damages. We certainly hope that the award will be enough to cover the cleanup costs, but we have decided that we cannot wait to clean this site up any longer. I trust this addresses all of your concerns. Please contact me if you have any further questions.

Very truly yours,

LAW OFFICES OF JAMES P. LYLE, P.C.



James P. Lyle

JPL/jms

cc: William F. McNeill
Hungry Horse Environmental

Chavez, Carl J, EMNRD

From: Chavez, Carl J, EMNRD
Sent: Monday, February 23, 2009 5:13 PM
To: 'JAMES LYLE'
Cc: Johnson, Larry, EMNRD
Subject: RE: McNeill - Dauron #3 - Remediation of Slush Pit (1R-419-0)

Mr. Lyle:

Thank you for responding. I was able to view the unsigned letter in *.pdf format.

The letter does not satisfy Mr. Mark Fesmire's (New Mexico Oil Conservation Division- NMOCD) request of 2/17/09 to Mr. Paige McNeil for a letter from his Attorney in the court case explaining why the NMOCD may approve corrective action as requested by Hungry Horse L.L.C. on behalf of Mr. Paige McNeil (landowner).

The NMOCD wants to be sure that there is or are no special requirement(s) by the court in the ongoing lawsuit that would require the NMOCD to request permission from the court to allow Mr. McNeil to proceed with corrective action on the pit. Mr. McNeil was made aware that he could assume some liability for the pit if he proceeds with the corrective action, and Mr. McNeil indicated that it was a risk he was willing to take during the meeting. The letter satisfying the above must be signed by the Attorney and sent via U.S. Mail to me for the NMOCD's Administrative Record and determination of how to proceed.

Please contact me if you have questions. Thank you.

Carl J. Chavez, CHMM
New Mexico Energy, Minerals & Natural Resources Dept.
Oil Conservation Division, Environmental Bureau
1220 South St. Francis Dr., Santa Fe, New Mexico 87505
Office: (505) 476-3490
Fax: (505) 476-3462
E-mail: CarlJ.Chavez@state.nm.us
Website: <http://www.emnrd.state.nm.us/ocd/index.htm>
(Pollution Prevention Guidance is under "Publications")

From: JAMES LYLE [mailto:pennname@prodigy.net]
Sent: Monday, February 23, 2009 4:51 PM
To: Chavez, Carl J, EMNRD
Subject: RE: McNeill - Dauron #3 - Remediation of Slush Pit

We do not have Word - I have converted to pdf and hopefully it can be opened and printed in that format. If not, a hard copy is following by first class mail.

James Lyle, Esq.

--- On Mon, 2/23/09, Chavez, Carl J, EMNRD <CarlJ.Chavez@state.nm.us> wrote:

From: Chavez, Carl J, EMNRD <CarlJ.Chavez@state.nm.us>
Subject: RE: McNeill - Dauron #3 - Remediation of Slush Pit
To: "JAMES LYLE" <pennname@prodigy.net>
Date: Monday, February 23, 2009, 4:38 PM

Mr. Lyle:

Good afternoon. The NMOCD does not have Word Perfect Software; therefore, the attached document to e-mail message below could not be opened. Could you please convert the attached *.wpd document into a word document and resend it to me? Thank you in advance.

Carl J. Chavez, CHMM

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From: JAMES LYLE [<mailto:pennname@prodigy.net>]
Sent: Monday, February 23, 2009 4:34 PM
To: Chavez, Carl J, EMNRD
Subject: McNeill - Dauron #3 - Remediation of Slush Pit

Please find attached the letter requested regarding the pending case and the cleanup of the Dauron #3 slush pit. Please contact me if you have questions or need anything further. Thank you for your assistance.

James P. Lyle, Esq.

Law Offices of James P. Lyle, P.C.

1116 Second Street, N.W.

Albuquerque, NM 87102

(505) 843-8000 - Telephone

February 23, 2009

Carl J. Chavez, CHMM
New Mexico Energy, Minerals & Natural Resources Dept.
Oil Conservation Division, Environmental Bureau
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: McNeill - Dauron #3 - Remediation of Slush Pit

Dear Mr. Chavez:

The McNeill Ranch has retained Hungry Horse LLC for the purpose of remediating the Dauron #3 slush pit located on Ranch property. Burlington Resources originally held the liability of the pit until Conoco/Phillips purchased it in a business transaction between the two companies. We requested that Burlington clean up the location several years ago. A law suit was filed around 1998 because of Burlington's disregard for resolving the situation. The Ranch now feels that it is in a position to be able to recuperate the cost of the clean-up due to changes that have been made to the State laws.

We resolve to clean the pit to no less than the required standards as outlined by the OCD guidelines. We will remove all chlorides in excess of 250 ppm, tph in excess of 100 ppm, and btex in excess of 50 ppm. The impacted material will be hauled to a permitted disposal facility and clean soil will be used to replace what was removed. We will monitor the process with continual sampling to verify that only the impacted materials are being removed and hauled to disposal. We have an excavation plan that has been approved by a licensed engineer in order to be compliant with OSHA requirements. We intend to be very transparent throughout the entire process and welcome any involvement from the OCD.

I understand that the OCD has some concerns that remediation of this site is subject to the lawsuit for damages the McNeill Ranch is pursuing against Burlington/Conoco. This is not correct. The suit is limited to a claim for monetary damages related to the cost of the cleanup. No injunctive relief is sought or can be granted. In other words, regardless of who wins the lawsuit, the only relief that can be awarded is money damages. We certainly hope that the award will be enough to cover the cleanup costs, but we have decided that we cannot wait to clean this site up any longer. I trust this addresses all of your concerns. Please contact me if you have any further questions.

Very truly yours,

LAW OFFICES OF JAMES P. LYLE, P.C.

James P. Lyle

JPL/jms

cc: William F. McNeill
Hungry Horse Environmental

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Chavez, Carl J, EMNRD

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Attachments: Lt OCD 02-20-09.pdf

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James Lyle, Esq.

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Chavez, Carl J, EMNRD

From: Vernon Black [vk.black@hungryhorseenvironmentalservices.com]
Sent: Tuesday, February 17, 2009 11:16 AM
To: tom.r.wynn@conocophillips.com
Cc: Johnson, Larry, EMNRD; Chavez, Carl J, EMNRD; pennname@prodigy.net
Subject: Emailing: Letter to Mr. Wynn with ConocoPhillips
Attachments: Letter to Mr. Wynn with ConocoPhillips.pdf

Mr. Wynn,

Please see the attached letter as it pertains to NM OCD Case #RP-419-0.

Thanks,
Vernon K. Black
H.S.E.
Hungry Horse Environmental Services
Hobbs, NM
575 393 3386 office
575 631 2253 cell

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HUNGRY HORSE, LLC
ENVIRONMENTAL SERVICES

Dirt Work * On-Site Remediation * Soil Testing * Excavation

17Feb09

To: Mr. Thomas R. Wynn
Site Manager, RM&R
ConocoPhillips
Reference: OCD Case RP-0419

Dear Mr. Wynn,

It has come to my attention that a claim has been made to Mr. Larry Johnson, NM OCD Dist 1, by ConocoPhillips that Hungry Horse Environmental Services may be presenting ourselves as acting on behalf of ConocoPhillips in the above referenced case by submitting documentation (C 144/C 141) and e-mail communications to NM OCD. This is in no way correct nor is it our intention to present ourselves as acting on behalf of ConocoPhillips. Hungry Horse Environmental Services has been retained by and takes direction from the McNeill Ranch in this case.

Sincerely,
Vernon K. Black



HSE
Hungry Horse Environmental Services

Chavez, Carl J, EMNRD

From: Chavez, Carl J, EMNRD
Sent: Tuesday, February 17, 2009 8:44 AM
To: Johnson, Larry, EMNRD
Cc: Swazo, Sonny, EMNRD; VonGonten, Glenn, EMNRD
Subject: RE: Former Burlington Resources Pit: McNeill Property, OCD 1R 419-0
Attachments: 1RP-419-0 2-13-09.pdf

Larry:

Thanks for the communiqué. One of the chief concerns that I have about the C-141 by Hungry Horse Environmental (HHE) is the potential for exacerbation of a potential pre-existing contamination condition at the pit that may make the problem worse if HHE disturbs the pit area. While the OCD does not get involved with 3rd party lawsuits, the OCD may want to mention to HHE that they could be subject to becoming a responsible party if they exacerbate the existing contamination condition at the site. If they are proposing to remove all of the pit contents and underlying contaminated sediment, this may not be a concern, but if they disturb the pit and causes the problem to become worse, then HHE could be subject to liability.

My recommendation is that you talk with HHE about the exacerbation issue. It appears that ConocoPhillips will be working with the NMOCD to address contamination at the site from the letter (see attachment). I recommend that you have ConocoPhillips contact Glenn von Gonten for a path forward on this active file, since there is ground water chloride contamination and some time has passed (~10 yrs.) without resolution of the ground water issue. While some pit work was conducted in 1992, the file does not reflect that the actions were approved by the OCD.

Thank you.

Carl J. Chavez, CHMM
New Mexico Energy, Minerals & Natural Resources Dept.
Oil Conservation Division, Environmental Bureau
1220 South St. Francis Dr., Santa Fe, New Mexico 87505
Office: (505) 476-3490
Fax: (505) 476-3462
E-mail: CarlJ.Chavez@state.nm.us
Website: <http://www.emnrd.state.nm.us/oed/index.htm>
(Pollution Prevention Guidance is under "Publications")

From: Johnson, Larry, EMNRD
Sent: Monday, February 16, 2009 5:42 PM
To: Chavez, Carl J, EMNRD
Subject: FW: Former Burlington Resources Pit: McNeill Property, OCD 1R 0419

From: Wynn, Tom R [<mailto:Tom.R.Wynn@conocophillips.com>]
Sent: Friday, February 13, 2009 3:48 PM
To: Johnson, Larry, EMNRD; Statham, Scott (LDZX)
Subject: Former Burlington Resources Pit: McNeill Property, OCD 1R 0419

Mr. Johnson:

ConocoPhillips is submitting a letter electronically regarding the subject project. A hard copy original will follow next week.

Thanks,
Tom Wynn

<<20090213164322_001.PDF>>

Thomas (Tom) Wynn
ConocoPhillips
Site Manager
HSE
1354 Phillips Building
420 S. Keeler
Bartlesville, OK 74074
Voice: 918-661-0310
Fax: 918-662-4192
Cell: 918-876-2337
E-mail: tom.r.wynn@conocophillips.com

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Chavez, Carl J, EMNRD

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Tom Wynn

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Thomas (Tom) Wynn
ConocoPhillips
Site Manager
HSE
1354 Phillips Building
420 S. Keeler
Bartlesville, OK 74074
Voice: 918-661-0310
Fax: 918-662-4192
Cell: 918-876-2337
E-mail: tom.r.wynn@conocophillips.com

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Thomas R. Wynn.
Site Manager, RM&R
ConocoPhillips Company
1354 PB
Bartlesville, OK 74004
phone 918.661.0310
tom.r.wynn@conocophillips.com

February 13, 2009

Larry Johnson
Environmental Engineer Specialist
New Mexico Oil Conservation Division
1625 N. French Drive
Hobbs, NM 88240

Re: Former Burling Resources Pit: William F. McNeill Property, Lea County New Mexico OCD Case # 1R 0419

Dear Mr. Johnson:

ConocoPhillips is submitting this letter to inform the NMOCD of the status of the subject project. The reason for the submission of this letter is due to ConocoPhillips' concern that Hungry Horse Environmental has submitted C-144 and C-141 forms and subsequent email communications with the NMOCD that would suggest that Hungry Horse is acting on ConocoPhillips' behalf. ConocoPhillips has not directed Hungry Horse Environmental to complete any remedial activities on our behalf, nor is Hungry Horse Environmental under any contract with ConocoPhillips. The subject project is currently under litigation between ConocoPhillips and Mr. McNeill et. al., and a settlement agreement has not been reached between parties involved.

ConocoPhillips owns and operates many oil and gas facilities throughout New Mexico and has maintained a good relationship with the NMOCD. The relationship has been built over many years through open communication and working together to resolve environmental issues. It is the expectation of ConocoPhillips and all contractors performing work for ConocoPhillips to conduct its business in the most professional and ethical manner. There will be no exception with resolving the problems associated with the subject project.

Should you have any questions or require additional information please contact me at the number listed above.

Sincerely,

A handwritten signature in black ink that reads "Thomas R. Wynn". The signature is written in a cursive style.

Thomas R. Wynn
Site Manager

Chavez, Carl J, EMNRD

From: Chavez, Carl J, EMNRD
Sent: Friday, February 13, 2009 9:40 AM
To: 'Vernon Black'
Cc: Johnson, Larry, EMNRD
Subject: RE: Case RP-419-0

Vernon:

I notice in the file that the last analytical data for the Barney Water Well was around 2003. In a more recent e-mail msg. you refer to a 1,100 mg/L chloride level. Could you please send me the most recent water quality data from the area?

Thank you.

Carl J. Chavez, CHMM
New Mexico Energy, Minerals & Natural Resources Dept.
Oil Conservation Division, Environmental Bureau
1220 South St. Francis Dr., Santa Fe, New Mexico 87505
Office: (505) 476-3490
Fax: (505) 476-3462
E-mail: CarlJ.Chavez@state.nm.us
Website: <http://www.emnrd.state.nm.us/ocd/index.htm>
(Pollution Prevention Guidance is under "Publications")

From: Vernon Black [mailto:vk.black@hungryhorseenvironmentalservices.com]
Sent: Monday, February 09, 2009 12:26 PM
To: Chavez, Carl J, EMNRD
Subject: RE: Case RP-419-0

Mr. Chavez, I re-read your message below and there are two things I over looked that should probably be clarified for reference. One is that this court case is still pending and has not ended and the other is that Hungry Horse Environmental Services has been retained by McNeill Ranch for this remediation and not retained by ConocoPhillips.

I apologize if I got this wrong or mis-communicated it during our phone conversation.

Thanks again for your help,
Vernon K. Black
H.S.E.
Hungry Horse Environmental Services
Hobbs, NM
575 393 3386 office
575 631 2253 cell

From: Chavez, Carl J, EMNRD [mailto:CarlJ.Chavez@state.nm.us]
Sent: Monday, February 09, 2009 9:54 AM
To: Vernon Black
Cc: Johnson, Larry, EMNRD
Subject: RE: Case RP-419-0

Mr. Black

Good morning. Hungry Horse Environmental Services has been retained by ConocoPhillips to address chloride contamination and other residual organic contamination in the Ogallala Fm. (SWL~ 43 ft. bgl). The pit (suspected source of contamination) was apparently closed in place and has been for the last 10 yrs.

OCD Santa Fe agrees with Larry Johnson (OCD District 1) handing the cleanup at the source with a process that includes OCD Forms C-141..... You indicated that the source removal could be as deep as 40 ft. bgl. You indicated that a court case has recently ended on the facility. The McNeil water wells that provide water for cattle and agricultural purposes were impacted and that 3 MWs were installed and are being monitored.

Per Wayne Price's letter dated October 12, 2004, the OCD had requested closure information by December 1, 2004. This information was apparently not received by the OCD. Therefore, the OCD requests closure information within 90 days of receipt of this e-mail as part of corrective action being proposed at the source. The OCD requests the monitoring information from the wells and any new information collected at the facility, since November 30, 2004 to update the case file on the Internet.

Thank you.

Carl J. Chavez, CHMM
New Mexico Energy, Minerals & Natural Resources Dept.
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From: Vernon Black [mailto:vk.black@hungryhorseenvironmentalservices.com]
Sent: Monday, February 09, 2009 6:58 AM
To: Chavez, Carl J, EMNRD
Subject: Case RP-419-0

Mr. Chavez,
I've been trying to contact you the past few days concerning the above case number. I visited with Larry Johnson here in the Hobbs OCD office and he said that I would have to contact you for disposition. To make a long story short, the above issue has been in litigation for approximately 10 years and has finally been settled. It's a case of antiquated evaporation pond that caused contamination of the ground and ground water. Our primary concern is remediation of the source and our company, Hungry Horse Environmental Services, will be conducting the remediation of the area. Larry Johnson said that since this has already had a case number assigned it would fall under Santa Fe's jurisdiction. He said, with your approval, he would handle the cleanup of the source, which is where I'm at now. Can you please contact me at your earliest convenience to discuss this matter.

Thanks in advance for you help,
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Chavez, Carl J, EMNRD

From: Johnson, Larry, EMNRD
Sent: Thursday, February 12, 2009 4:01 PM
To: Chavez, Carl J, EMNRD; Hill, Larry, EMNRD
Subject: Dauron Lse - ConocoPhillips

Vernon Black was notified via phone @ 3:35 pm that approval has been rescinded until some of the information can be reviewed. Page McNeil (landowner) called and stated that the ranch was going to pay for the cleanup. I advised him to not start any action until the lease holder was involved and everyone was notified and he agreed. He understands that OCD approval has been withdrawn pending further clarification.

Chavez, Carl J, EMNRD

From: Johnson, Larry, EMNRD
Sent: Thursday, February 12, 2009 3:31 PM
To: Chavez, Carl J, EMNRD; Hansen, Edward J., EMNRD
Subject: IMPORTANT!!

Carl,

I just received input regarding the Hungry Horse Burlington/ConocoPhillips McNeil Dauron #3 A 10 21S 37E pit closure. According to ConocoPhillips, the court case has NOT been finalized and is on the docket for August 2009 (was initially set for May). This does not agree with what was submitted to OCD. I am going to call Vernon Black and rescind my approval until this is cleared. Your thoughts? I tried to call you several times, but it would not go through.

Larry

Chavez, Carl J, EMNRD

From: Vernon Black [vk.black@hungryhorseenvironmentalservices.com]
Sent: Monday, February 09, 2009 12:26 PM
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Office: (505) 476-3491
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Website: <http://www.emnrd.state.nm.us/ocd/index.htm>
(Pollution Prevention Guidance is under "Publications")

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To: Chavez, Carl J, EMNRD
Subject: Case RP-419-0

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