

Bayliss, Randolph, EMNRD

From: Bayliss, Randolph, EMNRD
Sent: Friday, October 19, 2018 2:50 PM
To: 'Steve Niehaus'
Cc: Edward Pollister; Nina Palmer; Jones, William V, EMNRD
Subject: RE: Delay Letter of Violation - Libby Mineral 1931 #271
Attachments: CharacterReport TetraTech.pdf; New Rule 29 Releases.pdf

Tracking:	Recipient	Delivery
	'Steve Niehaus'	
	Edward Pollister	
	Nina Palmer	
	Jones, William V, EMNRD	Delivered: 10/19/2018 2:50 PM

Hello all

Will and I would be happy to meet Buck on site.

Typically, this site assessment/characterization work is done by professional specialists who are trained and equipped to do nothing else for a living but take samples and write reports.

Statewide, the standard practice is to contract with consultants who specialize in characterization and remediation of releases and who have extensive experience and knowledge of our rules. Only a few of the larger operators have in-house staff who can perform with the same level of professional expertise. Both horizontal and vertical impacts must be determined, proper sampling methods and quality control methods must be used and clearly described. Samples must be submitted to a qualified lab and certain test procedures must be used.

Our new rule 19.15.29.11 NMAC requires what it calls a “responsible person” to submit information characterizing the release. The information includes the following.

- A site map to scale showing release area, sample sites, wells, surface water, etc.
- Depth to ground water, to find if cleanup is required, and if so, to what level
- Distance to wells within a half mile of the release
- Distance to nearest significant watercourses with a half mile of the release
- Lateral and vertical extent of chlorides contamination
- Clear definition of sampling and field screening procedures
- Copies of field notes
- Actual laboratory results including chain of custody documentation.

This information is used to calculate volume of impacted soils and the cleanup levels. From this information, a remediation plan can be prepared and submitted for division approval.

To avoid violation of 19.15.29 NMAC, the characterization report must be submitted by 12Nov18.

I have attached an example of a characterization report submitted for a release in District 1. This report is lacking GPS coordinates for sample locations, locations of water sources, and lateral delineation.

I have also attached a copy of our new release rule.

Our volume estimates based on dimensions obtained on-site for this release range over 110 barrels - anything over 25 barrels is deemed a major release.

The chlorides are leaching downward in the soil and further delay will result in a larger volume of soil to remediate – adding cost.

Give me a call if you have questions. Regards,



Randolph Bayliss, P.E.
Hydrologist, Districts III and IV
NMOCD Environmental Bureau
1220 S St Francis St, Santa Fe, NM 87505
505-476-3084, Cell 575-840-5961



From: Steve Niehaus [mailto:Steve.Niehaus@mavresources.com]
Sent: Thursday, October 18, 2018 8:05 AM
To: Bayliss, Randolph, EMNRD <Randolph.Bayliss@state.nm.us>
Cc: Edward Pollister <Edward.Pollister@mavresources.com>; Nina Palmer <Nina.Palmer@mavresources.com>
Subject: [EXT] RE: Delay Letter of Violation - Libby Mineral 1931 #271

Hi Randy,

I talked to Buck Pollister and our environmental rep Nina Palmer last week, and Buck said he would call to work out a date to meet on site. We would take some grab samples and do some field analysis too in order to rapidly assess the horizontal extent of chloride impacts. Buck said he talked to Will while you were out. He said Will would get with you and come up with an acceptable date/time. Please let us know and we will try to meet your schedule.

Thanks,
Steve

Steve Niehaus, P.E.
Regional HSE Manager
office: 989.731.9324
steve.niehaus@mavresources.com

MAVERICK NATURAL RESOURCES, LLC
(Parent of Breitburn Operating LP)
1165 Elkview Dr., Gaylord, MI 49735
www.mavresources.com

From: Bayliss, Randolph, EMNRD [mailto:Randolph.Bayliss@state.nm.us]
Sent: Wednesday, October 17, 2018 3:30 PM
To: Steve Niehaus <Steve.Niehaus@mavresources.com>
Subject: RE: Delay Letter of Violation - Libby Mineral 1931 #271

Hi Steve

What progress toward meeting 19.15.29 NMAC requirements? What questions do you have?



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From: Steve Niehaus [<mailto:Steve.Niehaus@breitburn.com>]
Sent: Thursday, September 6, 2018 2:59 PM
To: Bayliss, Randolph, EMNRD <Randolph.Bayliss@state.nm.us>
Cc: Nina Palmer <Nina.Palmer@breitburn.com>; Edward Pollister <Edward.Pollister@breitburn.com>
Subject: RE: Delay Letter of Violation - Libby Mineral 1931 #271

Hi Randy,

Thank you for providing background information regarding a 2017 produced water release at our well site, Libby Mineral 1931, #271. Per our discussion this week, we are making plans for our EHS representative - Nina Palmer (Guymon, OK), Buck Pollister, and possibly a third Breitburn rep to meet with you on site the first week of October. Next week didn't work out very well for our schedule, and you indicated that you would be out the following two weeks. We suggest a meeting date of October 2nd or 3rd (Tuesday or Wednesday). Please let me know if one of those days works and the best time for you.

We are gathering documentation of work previously done, including soil and produced water removed from the location. If possible, we will email that information to you ahead of our meeting. On site, we would like to conduct a few field tests on soil chloride concentration to get an idea of the magnitude and extent of any remaining chloride levels. We can also discuss available information on depth to groundwater. Based on our findings, we can then discuss appropriate follow up actions to meet 19.15.29 NMAC rule requirements.

Again thanks for your assistance in getting me up to speed. I look forward to completing the work necessary to obtain a clean closure for this site.

Respectfully,
Steve



Steve Niehaus, P.E.

Regional EH&S Manager
Breitburn Management Co.
1165 Elkview Dr.
Gaylord, MI 49735
989-731-9324

From: Bayliss, Randolph, EMNRD [<mailto:Randolph.Bayliss@state.nm.us>]

Sent: Monday, September 03, 2018 12:55 PM

To: Steve Niehaus <Steve.Niehaus@breitburn.com>

Subject: RE: Delay Letter of Violation - Libby Mineral 1931 #271

Hi Steve

I'll call tomorrow morning.

Cheers,



Randolph Bayliss, P.E.
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From: Steve Niehaus [<mailto:Steve.Niehaus@breitburn.com>]

Sent: Wednesday, August 29, 2018 3:07 PM

To: Bayliss, Randolph, EMNRD <Randolph.Bayliss@state.nm.us>

Cc: Nina Palmer <Nina.Palmer@breitburn.com>; Greg Lynch <Greg.Lynch@breitburn.com>

Subject: RE: Delay Letter of Violation - Libby Mineral 1931 #271

Hi Randolph,

I'm writing to let you know that I called Will Jones after becoming aware of this issue, and we had a good discussion. Let me assure you that, as Breitburn's EH&S Manager, I will follow through on this site cleanup to bring it to closure. I have also taken measures to ensure that our EHS group is involved on any spills going forward.

I understand that you are on vacation right now. Would you please call me when you return so we can discuss a work plan that is satisfactory? My direct dial is 989-731-9324. Please note that I am in the Eastern time zone.

Thanks,



Steve Niehaus, P.E.

Regional EH&S Manager
Breitburn Management Co.
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Gaylord, MI 49735
989-731-9324

From: Deborah Marberry
Sent: Friday, August 17, 2018 2:10 PM
To: Steve Niehaus <Steve.Niehaus@breitburn.com>
Cc: Nina Palmer <Nina.Palmer@breitburn.com>
Subject: FW: Delay Letter of Violation - Libby Mineral 1931 #271

Good Afternoon Steve: I received Nina's out of office email (after I sent this to Jason T.). I thought I would pass the email below on to you in case you know someone that can get started on this right away so as to avoid the Letter of Violation (LoV).

It appears that Jeanie received an email last year that required us to do a characterization/delineation in an area that we had a minor spill on. I have attached the original email Jeanie received and the email from yesterday telling us that this was coming.

If you have any questions or if I can help please let me know.

Deborah Marberry
Sr. Regulatory Analyst
Breitburn Operating L.P.
1111 Bagby Street, Suite 1600
Houston, TX 77002
713-452-2883 office
Deborah.marberry@breitburn.com

From: Bayliss, Randolph, EMNRD [<mailto:Randolph.Bayliss@state.nm.us>]
Sent: Friday, August 17, 2018 9:57 AM
To: Deborah Marberry <Deborah.Marberry@breitburn.com>
Cc: Jones, William V, EMNRD <WilliamV.Jones@state.nm.us>; Griswold, Jim, EMNRD <Jim.Griswold@state.nm.us>
Subject: Delay Letter of Violation

Good morning Deborah

We've had a delay on your LoV. (Jim is unexpectedly out of the office today, I'm off for the next two weeks)

Suggestion: go to our online eDocs (link below), a public record. You will see a letter of violation much like the one I've drafted for you.

http://ocdimage.emnrd.state.nm.us/Imaging/FileStore/santafeenvironmental/ao/20180816/plel1628751341%20_08_16_2018_11_15_50.pdf

If you send us (Jim, Will, and me) an email saying you're hired consultant XYZ to do a characterization study to be submitted by a certain date, that would help to obviate the need for a LoV.

Even better, if XYZ sends an email notifying us that their crew will be at the site on a certain day to conduct sampling and requests our attendance to witness the sampling (which is something we try to do), that would help likewise.

Please carefully review the information and photographs we have online in 4RP-14.

Cheers,



Randolph Bayliss, P.E.
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From: Deborah Marberry [<mailto:Deborah.Marberry@breitburn.com>]
Sent: Thursday, August 16, 2018 2:28 PM
To: Bayliss, Randolph, EMNRD <Randolph.Bayliss@state.nm.us>
Subject: RE: Letter of Violation

Randolph: Okay last email...really. Is it possible to email me the letter that is coming for a heads up?

Deborah Marberry
Sr. Regulatory Analyst
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1111 Bagby Street, Suite 1600
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Deborah.marberry@breitburn.com

From: Bayliss, Randolph, EMNRD [<mailto:Randolph.Bayliss@state.nm.us>]
Sent: Thursday, August 16, 2018 2:46 PM
To: Deborah Marberry <Deborah.Marberry@breitburn.com>; Charlotte Nash <Charlotte.Nash@breitburn.com>
Subject: Letter of Violation

Good afternoon

I picked your names off Jeanie's farewell email.

I'm preparing a Letter of Violation for a produced water spill on the Libby Ranch in March 2017. Our recent revision of our Release Rule now requires action on items that did not receive approvals before 14Aug18.

Please let me know who I should send the LoV to and the proper address.

Thanks.

A handwritten signature in blue ink that reads "Randolph Bayliss".

Randolph Bayliss, P.E.
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Effective immediately, my email address has changed. Please update your address book accordingly.