

1R - 427-91

APPROVALS

YEAR(S):

2006-2005

Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Thursday, December 21, 2006 1:46 PM
To: 'kpope@riceswd.com'
Cc: Price, Wayne, EMNRD; Caperton, Patricia, EMNRD; 'chaynes@riceswd.com'; 'r@rthicksconsult.com'; 'gilbertvandeventer@cox.net'
Subject: RE: E-5 Corrective Action Plan--verbal approval (1R0427-91)

Kristin,

The OCD is hereby verifying the verbal approval of the CAP submitted on January 15, 2006, by R.T. Hicks Consultants for the Rice EME jct. E-5 site (case # 1R0427-91). However, the approval is conditioned in that the clay layer must be compacted to at least 90% Standard Proctor density and that the upper layer must comprise of at least 2 feet of clean topsoil (i.e., not blended with contaminated soil). The OCD concurs with the CAP regarding the upper two feet of clean soil in that it should only be "slightly" compacted (i.e., 75% to 85% Standard Proctor density).

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

Edward J. Hansen
 Hydrologist
 Environmental Bureau

From: Kristin Pope [mailto:
Sent: Tuesday, December 12, 2006 7:28 PM
To: Price, Wayne, EMNRD
Cc: Carolyn Haynes; Randall Hicks
Subject: E-5 Corrective Action Plan--verbal approval

Wayne,

At our last meeting in Santa Fe on October 11, we reviewed the Corrective Action Plan (CAP) submitted by R. T. Hicks Consultants for the EME jct. E-5 (Marathon Barber) site (case #1R0427). At this meeting you approved the CAP with the condition to continue with regular sampling of the on-site monitoring well.

We have excavating equipment available to perform this work on December 18. Will you confirm the 10/11/06 conditional approval? The CAP is attached to this message for your reference.

Thank you very much for your attention to this site and all of our others.

Kristin Farris Pope
 Project Scientist
 RICE Operating Company
 Hobbs, New Mexico
 (505) 393-9174

----- Original Message -----

From: Randall Hicks
To: 'Price, Wayne, EMNRD'
Cc: 'Kristin Farris Pope'
Sent: Monday, January 16, 2006 4:50 PM
Subject: E-5 Corrective Action Plan

12/21/2006

Wayne

We are using some concepts presented at the surface waste meeting last week. Take a look at the WORD version of the attachment as the pdf figures did not translate well from the original.

Hard copy will come via regular mail tomorrow.

Randy Hicks
505-266-5004
cell: 505-238-9515

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Hansen, Edward J., EMNRD

From: Gil Van Deventer [gilbertvandeventer@cox.net]
Sent: Sunday, December 17, 2006 7:22 PM
To: Price, Wayne, EMNRD
Cc: Caperton, Patricia, EMNRD; Kristin Pope; Carolyn Haynes; Hansen, Edward J., EMNRD
Subject: Fw: EME E-5 (Bertha Barber) Junction Box Site (1R0427-91) - notice of activities

Due to additional notification time (5 days) as requested by the landowner of intended activity we had to delay the startup for this activity until Dec 27th.

----- Original Message -----

From: Hansen, Edward J., EMNRD
To: Gil Van Deventer
Sent: Friday, December 15, 2006 4:15 PM
Subject: RE: EME E-5 (Bertha Barber) Junction Box Site (1R0427-91) - notice of activities

Gil,
 Thanks for the notice - I have passed your message along to Wayne.

P.S.: Please note that the case # for this site is 1R0427-91.

From: Gil Van Deventer [mailto:gilbertvandeventer@cox.net]
Sent: Thursday, December 14, 2006 8:54 AM
To: Hansen, Edward J., EMNRD
Subject: Fw: EME E-5 (Bertha Barber) Junction Box Site (1R0429-91) - notice of activities

Edward

This email did not make it to Wayne as intended. It was returned to me undeliverable. If necessary please forward it to him. Perhaps he would rather you handle this anyway.

Thanks!
 Gil
 432-638-8740

----- Original Message -----

From: Gil Van Deventer
To: Wayne Price
Cc: Randy Hicks ; Carolyn Haynes ; Pat Caperton ; Hansen, Edward J., EMNRD ; Kristin Pope
Sent: Thursday, December 14, 2006 9:03 AM
Subject: EME E-5 (Bertha Barber) Junction Box Site (1R0429-91) - notice of activities

Wayne

This purpose of this email is to serve as 48-hr notification of activities to the OCD for the following site:

EME E-5 (Bertha Barber) Junction Box Site
 NMOCD Case No.: 1R0429-91
 Location: Section 5, unt letter E in T20S, R37E
 On site Supervisor: Gil Van Deventer (Trident Environmental)
 Date of Activity: December 19, 2006

12/18/2006

In accordance with the NMOCD-approved Corrective Action Plan, ROC has arranged for the backfilling of the excavated area at this site with a monolithic evapotranspirative cover. We anticipate performing the work on December 19 however the exact starting time is dependent on the availability of backhoe equipment after it has completed excavation activities at another site on Dec 18 (P-6). It is possible that the backhoe will be available at a different time in which case the on site supervisor will notify the Hobbs District office.

If you have any questions please feel free to contact me or Kristin Pope at 505-393-9174.

Thanks,

Gil Van Deventer

432-638-8740

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Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Friday, December 15, 2006 3:16 PM
To: 'Gil Van Deventer'
Subject: RE: EME E-5 (Bertha Barber) Junction Box Site (1R0427-91) - notice of activities

Gil,
Thanks for the notice - I have passed your message along to Wayne.

P.S.: Please note that the case # for this site is 1R0427-91.

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Sent: Thursday, December 14, 2006 8:54 AM
To: Hansen, Edward J., EMNRD
Subject: Fw: EME E-5 (Bertha Barber) Junction Box Site (1R0429-91) - notice of activities

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If you have any questions please feel free to contact me or Kristin Pope at 505-393-9174.

Thanks,

Gil Van Deventer

12/15/2006



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Mark E. Fesmire, P.E.

Director

Oil Conservation Division

November 22, 2005

Carolyn Doran Haynes
Rice Operating Company
122 West Taylor
Hobbs, New Mexico 88240

Re: Marathon Barber EOL
OCD Case #1R0427-91
Unit Letter E, Sec. 5, T20S, R37E
Lea County, NM

Dear Ms. Haynes:

The New Mexico Oil Conservation Division (NMOCD) is in receipt of Rice Operating Company's (ROC) Letter dated July 13, 2005 submitted by R.T. Hicks Consultant Ltd. on behalf of ROC requesting OCD reconsider the abatement plan requirement for this site. After an extensive review of the data presented by Dynegey, Marathon and ROC, OCD agrees that the up-gradient groundwater has been impacted above standards. Therefore, OCD hereby approves of your request with the following conditions:

1. Provide a corrective action plan to address the residual constituents in the vadose zone and groundwater-monitoring plan for OCD approval by January 15, 2005.
2. NMOCD approval of this plan does not relieve ROC of liability should their operations fail to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD approval does not relieve ROC of responsibility for compliance with any other federal, state, or local laws and/or regulations.
3. All documents pertaining to this case shall be identified with the OCD Case # 1R0427-91.

Sincerely;

Daniel Sanchez- Compliance and Enforcement Manager

cc: OCD Hobbs Office