

1R - 452

**GENERAL  
CORRESPONDENCE**

**YEAR(S):**

2005

**Price, Wayne, EMNRD**

---

**From:** cwdurrett1@aol.com  
**Sent:** Friday, November 18, 2005 10:30 AM  
**To:** Price, Wayne, EMNRD; paul\_evans@nm.blm.gov  
**Cc:** Williams, Chris, EMNRD; n.goates@conocophillips.com;  
ken.n.andersen@conocophillips.com; Ray.E.Duplessis@conocophillips.com  
**Subject:** ConocoPhillips Flowline 87 Request for Closure Report  
**Attachments:** Flowline\_87\_Closure\_Request[1].pdf

ConocoPhillips Flowline 87  
Lea County, New Mexico  
Sec 2, T17S, R32E

On behalf of ConocoPhillips, Maxim submits the attached report that describes actions taken to remediate soils at the subject site. Based on the work performed, we request, on behalf of ConocoPhillips, closure for this historic spill site location.

If you have any questions or need additional information, please call Mr. Neal Goates (832-379-6427) or me.

Charlie Durrett  
Maxim Technologies  
1703 W. Industrial Ave.  
Midland, TX 79701  
P 432-686-8081  
F 432-686-8085

+++++CONFIDENTIALITY NOTICE+++++

The information in this email may be confidential and/or privileged. This email is intended to be reviewed by only the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system.

August 09, 2005

To: Roger Anderson and Daniel Sanchez

From: Wayne Price 

Re: ConocoPhillips (CP) Flowline 87 Complaint

Pursuant to your request I have reviewed CP's submittals and OCD District I responses and have the following comments:

1. CP April 27, 2005 and May 18, 2005 Findings Report:

CP submitted a findings report and work plan to address a historic release site located in sec 22-Ts17s-R32e. CP ranked the site as a zero (0), which would give a clean-up standard of 5000 ppm TPH. CP drilled down to the Red Bed approximately 62 feet bgs and indicated no groundwater was discovered.

Review: This site is located west of the Caprock in the Querecho Plains (sand dunes). The Caprock is generally know as the boundary position between Triassic rocks and Saturated Tertiary and Quaternary rocks i.e commonly know as the Ogallala water bearing formation. I reviewed the groundwater and redbed maps of the area and they matched the findings of CP. I also checked the state engineer's database for section 22 and there were no known water wells in the area. I reviewed the boring logs and the lithology and it matches that of the area. In addition, the soil moisture content from the lab analysis confirms that no free water was likely present.

The submitted photograph matches that of the described area and appears to be a very small impacted area located in the dune sands.

I reviewed the field and lab results and found a good correlation between the two. I also reviewed the Lab QA/QC and found the results to be within acceptable limits.

Unless there is a nearby watercourse or fresh water well then it appears the ranking of zero(0) is appropriate.

The recommended clean-up plan to remove all contaminated soil greater than TPH of 5000 ppm and replace with clean soil appears to be more than adequate for such a remote site.

I reviewed the chloride issue and found that most of the chlorides are found deeper at the 20-22 foot level. Since there is no groundwater below the site and the fact that sand will be placed back into the excavated area the wicking effect of dune sand is almost nil. So the deeper chloride will most likely not present a threat to future vegetation.

2. OCD District I approval Letter July 08, 2005

OCD issued an approval letter with four conditions.

Condition 1. CP shall re-evaluate and submit the correct site ranking score.

Review: OCD's letter does not give any reason or state why the ranking score submitted is not correct. If OCD has evidence that the ranking score is not correct it should state its concerns.

Condition 2. CP shall delineate Chloride horizontally and vertically to 250 mg/l (above background), plus at least four feet beyond.

Review: This method has not been adopted in any of our guidelines nor has it been mandated. However, OCD has used this method in order to determine if another layer of salt contaminated soil lies below the upper contamination. Since CP had already determine the vertical extent down to the confining Red Bed it would be in-appropriate to require them to re-drill unless OCD has some evidence that there is fresh water below the Triassic Red Beds.

As far as the horizontal extent, CP relied upon the footprint of the soil surface vegetation to determine the preliminary horizontal extent. This method would be acceptable since their work plan included removing 4-6 feet of soil and replacing it with clean soil. In addition, the three soil borings indicated that the surface chloride contamination was very low i.e. all less than 250 ppm. Due to the very small size of the area involved (45'x150') the three soil borings would most likely provide a good representation of the shallow surface soils and preclude any further surface investigation for chlorides unless OCD has evidence that the area is highly impacted with salts.

However, OCD feels that CP probably should include confirmation soil samples for chlorides during the final excavation and report those findings in the final report.

Condition 3. CP shall delineate TPH and BTEX to the specifications in: "Guidelines for Remediation of Leaks, Spills & Releases", August 13, 1993. (Guidelines)

Review: The CP plan appears to properly address this requirement.

Condition 4. The diesel fuel testing procedure proposed, (PetroFlag), as a substitute for TPH and PID testing hereby denied.

Review: OCD has always allowed operators to use any method they prefer while excavating to make a field determination when confirmation sampling may begin. The work plan clearly pointed this out. See Page 5 third line. "Companion composite samples will also be submitted at a laboratory for TPH (DRO, GRO) confirmation that hydrocarbons have been removed." OCD denial of using these methods is not consistent with our standard procedures and would place a large burden on the operator to have to shut down the project until lab samples are received, which could be days to months.

The disclaimer: The word "Liability" should be replaced with the word "responsibility." Mr. Brooks in one of our all hands environmental meetings explained this.

3. E-mail dated 7/15/2005: Cwdurrett/Paul Sheeley-Minutes of meeting prepared by CwDurrett.

Review: It appears the four conditions of Mr. Sheeley's approval letter were discussed in a meeting held on July 13, 2005. The E-mail was pointed out that it was in draft form and requested that Mr. Sheeley contact him if he is not in agreement with what was discussed. Paul Sheeley's minutes of the meeting were not available for me to comment on during this review.

4. E-mail dated July 19, 2005 from Paul Sheeley to Neal Goates-CP.

Paragraph #1- The flowline 87 work plan approval is hereby rescinded by OCD at this time. ConocoPhillips (CP) must follow the conditions of approval in the letter dated July 8, 2005, and CP must follow the guidelines.

Review: CP-Maxim requested that Mr. Sheeley contact him if there were any issues concerning the meeting held 7/15/2005. It appears Mr. Sheeley did not respond except to rescind the approval with no detail explanation as to why. The

reason he listed was that CP must follow the conditions of approval and the guidelines. As stated above it appears that CP is following the guidelines. If not, then there should have been an explanation as to what part of the guidelines they are not following.

Paragraph #2.—CP is required to have an OCD approved corrective action work plan within 30-days of the release date. After that CP has 45-days to perform the work and submit an OCD approved closure. CP is out of compliance.

Review: OCD Environmental Bureau cannot find any issue, rule or regulation that would put CP out of compliance. There is no explanation of what the compliance issue is nor is there any citation of any rule violation. In addition, Paul Sheeley's letter requested a corrective action work plan within 30-days of the release date. This appears to be an impossible requirement for CP to meet since this is a voluntary clean up of an old historical site i.e. release date unknown.

Paragraph 5. OCD is not using Maxim protocol. CP must use OCD protocol.

Review: There is no explanation or detail description given to CP concerning the protocol discrepancy. If OCD thinks the ranking criteria or sampling protocol that CP is using is wrong, then we have the responsibility to explain this to them and the reasons for denial. If we have evidence to demonstrate our concern we should present that to them.

Paragraph 6. I am unable to approve proposals from CP-Maxim disregarding the OCD rules and guidelines. Six meetings including one last week prove to be futile.

Review: I have reviewed the Flowline 87 project and have found CP's work plan to be acceptable. As for other projects and issues that District I has had with CP-Maxim I recommend they list those and spell-out where CP-Maxim is disregarding the rules and guidelines. OCD Environmental Bureau could assist the District if requested.

New Mexico Office of the State Engineer  
Well Reports and Downloads

Township:  Range:  Sections:

NAD27 X:  Y:  Zone:  Search Radius:

County:  Basin:  Number:  Suffix:

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

WELL / SURFACE DATA REPORT 08/08/2005

DB File Nbr	(acre ft per annum) Use	Diversion	Owner	Well Number	(quarters are 1=N) (quarters are big) Source	Tw
-------------	----------------------------	-----------	-------	-------------	--	----

No Records found, try again



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**  
Governor  
**Joanna Prukop**  
Cabinet Secretary

**Mark E. Fesmire, P.E.**  
Director  
Oil Conservation Division

## FAX

TO: Roger, Daniel S

FROM: Paul S

RE: CP Rescinded Approval Flowline 87

DATE: ~~7-21-05~~ 8-2-05 re-send

→ 1. Email to CP 7-19-05

→ 2. Email to me, 7-15-05 Summary of Meeting  
condition 1: Wrong Ranking Score. First usage of "barrier"  
cond. 2: I indicated the surface & the source.  
cond. 3: I do not understand this verbage.  
cond. 4: we need TPH Total = GRD + DRD

→ 3. My approval letter w/ conditions 7-8-05

→ 4. Work Plan 4-27-05 minus some blank title pages,  
lab report (see today's email for complete file). Plan has  
no reference to: "barrier", "impervious layer", "confining  
zone", permeability etc.

5. Letter, Tables of Analysis 5-18-05

NO. OF PAGES 16 INCLUDING COVERSHEET

Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

**Sheeley, Paul, EMNRD**

Sent: Tue 7/19/2005 10:18 AM

**From:** Sheeley, Paul, EMNRD  
**To:** Goates, R. Neal  
**Cc:** Williams, Chris, EMNRD; Anderson, Roger, EMNRD; Sanchez, Daniel J., EMNRD  
**Subject:** RESCINDED- work plan approval, FLOWLINE 87  
**Attachments:**  Flowline 87 wp\_appr\_050705.doc(96KB)

Mr. Goates,

The "Flowline 87" work plan approval is hereby rescinded by OCD at this time. ConocoPhillips(CP) must follow the conditions of approval in the letter dated July 8, 2005, and, CP must follow the guidelines.

CP is required to have an OCD approved corrective action work plan within 30 days of the release date. After that CP has 45 days to perform the work and submit an OCD approved closure. ~~CP is out of compliance.~~

(CP-Maxim Technologies): Charlie Durrett and I met last week. He said he had a copy and "knew" the guidelines. This was about the sixth meeting with Charlie in the last few years.

Charlie sent me an email including: "Because the Red Bed clay represents a barrier to migration of chloride and hydrocarbon to groundwater, the ranking score as described in Maxim's Findings Report will remain "0"."

OCD is not using Maxim protocol. ~~CP must use OCD protocol.~~

I am unable to approve proposals from CP-Maxim disregarding the OCD rules and guidelines. Six meetings including one last week prove to be futile.

Paul Sheeley

Enterprise Vault Archived Item  
Click here to view this item  
You replied on 7/19/2005 9:48 AM.

**Sheeley, Paul, EMNRD**

**From:** Cwdurrett1@aol.com [Cwdurrett1@aol.com]  
**To:** Sheeley, Paul, EMNRD  
**Cc:**  
**Subject:** ConocoPhillips Flowline 87 draft Summary of Meeting  
**Attachments:**

**Sent:** Fri 7/15/2005 12:55 PM

Paul, I hope our discussion on Wednesday set the ground work for a better working environment for both of us and created a forum for exchange of ideas.

I have drafted a summary of our meeting (see below) and if it is not in agreement with what you understood, please let me know so I can revise it before it is formalized into a letter, on-behalf of ConocoPhillips, to you.

The following is my understanding of the outcome of our June 13, 2005 meeting in which we discussed the conditions you set in your June 8, 2005 approval letter to Mr. Neal Goates (ConocoPhillips) concerning the Flowline 87 project:

**Condition 1.** CP will re-evaluate and submit the correct site ranking score.

**Understanding:** In Maxim Technologies's™ (Maxim) April 27, 2005 Findings Report, one boring was described as being completed to a depth of 68 feet below ground surface (fbgs) of which, approximately 50 feet of the lower portion of the boring was in clays that exhibited occasional platy cleavage, traces of mica and crumbly texture (Red Beds). As you indicated during our discussion, Maxim should have indicated that the clay was a barrier that would have prevented further migration of surface contaminants to groundwater. Maxim recognizes our failure to indicate in the report that the clay represents a barrier and migration of surface and subsurface contaminants were unlikely to migrate to groundwater. Because the Red Bed clay represents a barrier to migration of chloride and hydrocarbon to groundwater, the ranking score as described in Maxim's™ Findings Report will remain 0. □

**Condition 2.** CP shall delineate Chloride horizontally and vertically to 250 mg/L (above background), plus at least four feet beyond.

**Understanding and additional comments:** Maxim relied on New Mexico Oil Conservation Division District 1 (NMOCD) previous approvals of site work plans that used vegetative edge (or spill footprint) to define the lateral extent of chloride contamination (Attachment 1). Maxim understands that vegetative edge is no longer acceptable and will use a backhoe to define the lateral boundary of the site. As indicated in Maxim's™ April 27, 2005 Findings Report, chloride concentration was laboratory delineated down to 250 milligrams/kilogram (mg/kg) at 68 fbgs in the Red Bed clay (chloride screening data were provided on all boring logs). Maxim was unaware NMOCD is now requesting chloride concentration be identified four additional feet below the initial 250 mg/kg finding. Since the initial chloride finding was in the Red Bed clay, Maxim requests a variance and not be required to re-bore to 72 fbgs. You indicated during our discussion that if there is no groundwater impact, then only surface remediation would be necessary. No groundwater was found above the Red Bed clay barrier and only relict chloride concentration was detected in the Red Bed clays.

**Condition 3.** CP shall delineate TPH and BTEX to the specification in: Guidelines for Remediation of Leaks, Spills & Releases, August 13, 1993 (Guidelines).

**Understanding:** As I indicated, Maxim developed a scope of work to examine the possible presence of chloride in soil and groundwater. During boring of the initial location (SB-1), petroleum hydrocarbons were encountered and data were collected to describe vertical conditions. In the April 27, 2005 Findings Report, Maxim recommended soil in the area of SB-1 would be excavated to remove the most highly impacted soils (>5,000 mg/kg). This soil

<https://webmail.state.nm.us/exchange/PSheeley/Extended%20Storage/CP/ConocoPhillips%20Flowline%...> 7/21/2005

will be hauled to a State approved disposal facility.  Maxim assumed that the area to be limited and recommended excavating the affected material and defining the area by confirmation sampling rather than delineating the area by trenching then coming back and removing the soils in the delineated area. Maxim understands that this approach is not acceptable and will use a backhoe to define the lateral hydrocarbon boundary of the site.

**Condition 4.** The diesel fuel testing procedure proposed, (Petroflag), as a substitute for TPH and PID testing hereby denied.

**Understanding.** In the April 27, 2005 Findings Report, Maxim indicated that the PetroFLAG procedure and PID would be used as a screening tool and laboratory analysis for TPH (DRO and GRO) would be used to confirm that petroleum hydrocarbons had been removed. You indicated that if Maxim would follow the Guidelines then there would be no problem. Maxim understands your concern and will follow NMOCD Guidelines in confirming that hydrocarbons have been excavated to below the appropriate ranking score (5,000 mg/kg TPH and 10 mg/kg benzene and 50 mg/kg BTEX). The Guidelines indicate that field soil vapor headspace measurement of 100 ppm may be substituted for a laboratory analysis of the Benzene and BTEX concentration limits.

Paul, I do appreciate our open discussion and hope through greater communication, a stronger working relationship is formed. I thank you for your time.



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**  
Governor  
**Joanna Prukop**  
Cabinet Secretary

**Mark E. Fesmire, P.E.**  
Director  
Oil Conservation Division

July 8, 2005

Neal Goates-Site Manager  
ConocoPhillips(CP)  
600 N. Dairy Ashford  
Houston, TX 77252-2197

Re: Work Plan Approval & Conditions: **Flowline 87**  
Site Location: UL- ?, Sec 22-T17S-R32E  
Dated: April 27, 2005

Dear Mr. Goates,

The New Mexico Oil Conservation Division (OCD) reviewed the corrective action work plan referenced above and submitted by CP by Maxim Technologies(Maxim). The plan is hereby approved with the following conditions:

1. CP shall re-evaluate and submit the correct site ranking score.
2. CP shall delineate Chloride horizontally and vertically to 250 mg/L, (above background), plus at least four feet beyond.
3. CP shall delineate TPH and BTEX to the specifications in: "Guidelines for Remediation of Leaks, Spills & Releases", August 13, 1993.(Guidelines)
4. The diesel fuel testing procedure proposed, (PetroFlag), as a substitute for TPH and PID testing hereby denied.

**Please be advised that OCD approval does not relieve CP of liability should operations result in pollution of surface water, ground water, or the environment. In addition, OCD approval does not relieve CP of responsibility for compliance with any federal, state or local laws and/or regulations.**

If you have any questions or need assistance please write or call me at (505) 393-6161, x113 or <mailto:psheelev@state.nm.us>

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Sheeley".

Paul Sheeley-Environmental Engineer  
Cc: Roger Anderson - Environmental Bureau Chief  
Chris Williams - District I Supervisor  
Larry Johnson - Environmental Engineer  
Charlie Durrett - Maxim