

AP - 45

**GENERAL
CORRESPONDENCE**

YEAR(S):
2006-2004

Hansen, Edward J., EMNRD

From: Gil Van Deventer [gilbertvandeventer@cox.net]
Sent: Monday, December 11, 2006 1:50 PM
To: Price, Wayne, EMNRD
Cc: Carolyn Haynes; Kristin Pope; Roy Rascon; Hansen, Edward J., EMNRD
Subject: EME P-6 Leak Site (AP-45) - notice of activities

The purpose of this email is to serve as notification to the NMOCD that excavation and backfilling activities will be taking place at the EME P-6 Leak Site located at T20S-R37E, Section 6, Unit Letter P. This work is being conducted in accordance with the NMOCD-approved Stage 1&2 Abatement Plan (AP-45) for this site.

Beginning at 8:00 am MST on Monday Dec 18th, Trident Environmental (Gil Van Deventer) will be on site to oversee the excavation and collect closure samples at the completion of excavation. Upon verification of closure objectives as confirmed by laboratory analytical results the excavation will then be backfilled (probably Wednesday).

Trident Environmental will have a copy of the Stage 1 & 2 Abatement Plan on site as well as approved minor modifications which were approved by Wayne Price.

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

Thanks,
Gil

Gilbert J. Van Deventer, PG, REM
Trident Environmental
www.trident-environmental.com
Work/Mobile: 432-638-8740
Fax: 413-403-9968
Home: 432-682-0727

Price, Wayne, EMNRD

From: Gilbert Van Deventer [gilbertvandeventer@cox.net]
Sent: Wednesday, July 12, 2006 3:11 PM
To: Price, Wayne, EMNRD
Cc: Carolyn Haynes; Kristin Pope
Subject: Re: EME P-6 (AP-45)
Attachments: P6_Public_Notice_Proof.pdf

Wayne

Since it is on Jimmy Cooper property that additional monitoring well (P6-5 200 ft east) will require negotiation for access. To date Rice has had much trouble reaching agreement with Cooper and his attorneys for access on several sites. That area is also hard accessing due to deep sand. Per our conversation today we will proceed on a forward path and install the 2 MWs (P6-3 and P6-4) as proposed and we will update you as to the status of acquiring access for the subject well (P6-5) east of the site.

Proof of public notice was submitted on 01/30/06 and is attached.

Thank you,
 Gil

Gilbert J. Van Deventer, PG, REM, NMCS
 R. T. Hicks Consultanyts, Ltd.
 Work/Mobile: 432-638-8740
 Fax: 413-403-9968
 Home: 432-682-0727

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

From: Price, Wayne, EMNRD
To: Price, Wayne, EMNRD ; Gilbert Van Deventer ; Kristin Farris Pope ; Carolyn Doran Haynes
Cc: Johnson, Larry, EMNRD
Sent: Wednesday, July 12, 2006 2:32 PM
Subject: RE: EME P-6 (AP-45)

Please note, OCD Santa Fe does not have a copy of the Public Notice for the P-6 Leak site. Please forward ASAP for out files.

From: Price, Wayne, EMNRD
Sent: Wednesday, July 12, 2006 12:23 PM
To: 'Gilbert Van Deventer'
Cc: Johnson, Larry, EMNRD
Subject: RE: EME P-6 (AP-45)

OCD hereby approves of the Stage 1 & 2 plans with the following additional conditions:

1. One additional monitoring well named P6-5 shall be installed 200 feet due east of P-6-1.
2. Monitor wells P-1,2,3,4,5 and M5-1 shall be sampled and analyzed for BTEX and general chemistry. If BTEX is non-detect then OCD will considered eliminating this parameter in the future if no free oil is present.
3. All saturated or grossly contaminated soils and soils greater than 10,000 mg/kg shall be disposed of off-site at an OCD approved facility.
4. All soils remediated on site shall be in a maximum of 8 inch lifts, watered, properly tilled, amendments

7/12/2006

added if needed (fertilizer) and managed to prevent contamination run-off. Blending of soils will not be allowed until remediated soils demonstrate that the GRO component is essentially zero.

5. All remediated soils, remediated area soils, backfill soils, bottom hole and side wall soils shall be sampled and analyzed for TPH, BTEX and chlorides using approved EPA methods.
6. OCD shall review all analytical results and issue approval before excavated area is backfilled.
7. All soils used to backfill on top of the ET cap shall be clean native soils to support re-vegetation.
7. ROC shall submit an interim closure report to include the following:
 - a. All groundwater and soil results, photos, plot plan with sample points indicated, groundwater gradient map, and any other pertinent information.
 - b. Permission to backfill.
 - c. A re-vegetation, groundwater monitoring and active restoration plan for OCD approval.

Please be advised that NMOCD approval of this plan does not relieve the owner/operator of responsibility should 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 the owner/operator of responsibility for compliance with any OCD, federal, state, or local laws and/or regulations.

From: Gilbert Van Deventer [mailto:gilbertvandeventer@cox.net]
Sent: Monday, July 10, 2006 2:26 PM
To: Price, Wayne, EMNRD
Subject: Fw: EME P-6 (AP-45)

We are scheduled to do some drilling at the N-5 and K-6 sites starting next week. Was hoping to hear your response and approval for the P-6 site as requested on June 27th so that we could use the same drillers to install 2 MWs at P-6. Otherwise it's real hard to schedule them until a much later date.

Thanks,
 Gil

Gilbert J. Van Deventer, PG, REM, NMCS
 R. T, Hicks Consulting, Ltd.
 Work/Mobile: 432-638-8740
 Fax: 413-403-9968
 Home: 432-682-0727

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

From: Gilbert Van Deventer
To: Price, Wayne, EMNRD
Sent: Tuesday, June 27, 2006 10:19 AM
Subject: Re: EME P-6 (AP-45)

Hello Wayne. Per your request and comments in your email on May 26, 2006, ROC proposes the following minor modifications to the P-6 Stage 1 Abatement Plan:

Stage 1 (investigation). ROC proposes to install additional monitoring wells at the P-6 Line Leak Site as follows:

- one upgradient (~165 ft NE of P6-1 monitoring well), and
- one downgradient (~220 ft south of P6-1 monitoring well)

Since there already is a monitoring well cluster at the M-5 SWD site located approximately 500 ft downgradient (southeast) of the P6-1 monitoring well we see no need for another downgradient well in that direction. Access for a drill rig in any other areas near this site is extremely difficult due to the

presence of dunes and would be detrimental to the existing vegetation and landscape if an attempt were to be made. ROC has had bad experience moving heavy equipment in this area and has even had dozers get stuck in the sand. A site map is attached showing the proposed locations of the 2 monitoring wells. The additional wells as proposed, *and* the installation of monitoring wells for two nearby sites (K-6 and N-5) that are in the Stage 1 Abatement Plan process will provide the necessary data for full characterization.

Stage 2 (abatement). With regard to soil excavation, remediation, backfilling and disposal, ROC proposes the following:

Excavated soil with total TPH (GRO+DRO) greater than 10,000 mg/kg will be transported to an NMOCD-approved facility for disposal. Excavated soil with TPH above 1,000 mg/kg but less than 10,000 mg/kg will be remediated on site by spreading on the surface no deeper than 18-inches thick to allow aeration and then blending them with native soil prior to use as backfill. After excavating the impacted area to a depth of 12 feet, soils with a total TPH (GRO + DRO) of less than 1,000 mg/kg and chloride concentrations less than 750 mg/kg will be used as backfill to a depth of no more than 5 feet below ground surface. Current field sampling results indicate chloride concentrations no greater than 750 mg/kg at 12 ft below ground surface. A 10-12 inch thick uncompacted clay layer, will be installed five feet below ground surface. An uncompacted clay layer is preferred over a compacted layer so as to promote a more efficient evapotranspiration barrier. Above the clay layer, remediated soil with total TPH and chloride concentrations less than 1,000 mg/kg will be used as backfill and contoured to match the surrounding terrain.

On June 7th, ROC received approval from the BLM for site access and monitoring well installations at the nearby K-6 and N-5 sites so it would be convenient to include the P-6 investigation at the same time a drill rig is scheduled for all 3 sites (week of July 17th). With your concurrence of the actions proposed above ROC is ready to proceed. Please contact Kristin Pope at 505-393-9174 or myself at 432-638-8740, if you have any questions regarding this minor modification.

Sincerely,

Gilbert J. Van Deventer, PG, REM
 R. T. Hicks Consultants Ltd.
 Work/Mobile: 432-638-8740
 Fax: 413-403-9968
 Home: 432-682-0727

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

From: Price, Wayne, EMNRD

To: Kristin Pope

Cc: gil@rthicksconsult.com ; Carolyn Haynes ; Johnson, Larry, EMNRD

Sent: Friday, May 26, 2006 4:04 PM

Subject: RE: EME P-6 (AP-45)

The Rice Operating Company (ROC) stage 1 & 2 plan dated July 12, 2005 for the EME P-6 line leak site is deficient in the following areas:

Stage 1 (investigation). There is only one on-site monitor well. Please submit a plan to have at least three more monitor wells installed that are closer to the site. One of the wells shall be located approximately 100 feet up-gradient of the original spill site. The previous information submitted shows a large variance in the area groundwater gradient. This may be due to the fact the wells proposed are too far apart. There were no local iso-concentration maps provided to identify the chloride(TDS) plume.

Stage 2 (abatement). The excavation plan section 7.1 page 9 does not provide definitive information on excavation and disposal. The last sentence reads 'Soil with GRO or DRO levels above 1000 mg/kg shall be hauled to an NMOCD-approved facility or remediated on site.'

ROC did not provide a detail explanation of what soils will be disposed of off-site and what soils will be

remediated. There is no explanation on how the soils will be remediated. On Page 10 one sentence reads "The backfill (above and below the clay liner) will be composed of blended or remediated soil that will support vegetation". ROC did not provide any documentation of what levels of constituents will be present in the soils above and below the liner.

Please submit a modified plan within 30 days and proof of public notice.

From: Kristin Pope [mailto:kpope@riceswd.com]
Sent: Wednesday, May 24, 2006 10:08 AM
To: Price, Wayne, EMNRD
Cc: gil@rthicksconsult.com; Carolyn Haynes
Subject: EME P-6 (AP-45)

Wayne,

At our last meeting on March 30 in Hobbs, you reviewed the Stage 1&2 Abatement Plan for the EME P-6 Release Site (AP-45) submitted by Gil Van Deventer. At that meeting, you said that you'd like to review the submission in depth and also involve the District 1 office. Can you give us any feedback yet? Thanks.

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

Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message. -- This email has been scanned by the Sybari - Antigen Email System.

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Gilbert J. Van Deventer, PG, REM

Work/Mobile: 432-638-8740

Fax: 413-403-9968

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Kristin Farris Pope
Project Scientist

7/12/2006

RICE Operating Company
Hobbs, New Mexico
(505) 393-9174

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

5/26/2006

RICE Operating Company

122 West Taylor • Hobbs, New Mexico 88240
Phone: (505)393-9174 • Fax: (505) 397-1471

CERTIFIED MAIL
RETURN RECEIPT NO. 7005 1820 0001 6804 7609

January 31, 2006

COPY

Mr. Wayne Price
New Mexico Energy, Minerals, & Natural Resources
Oil Conservation Division, Environmental Bureau
1220 S. St. Francis Drive
Santa Fe, New Mexico 87504

RE: EME P-6 RELEASE
PUBLIC NOTIFICATIONS
NMOCD CASE #AP-45

Mr. Price:

In accordance with Rule 19 (Section 19.15.1.19 NMAC, Subsection G) Public Notice requirements, please accept the enclosed copies of proof that the appropriate individuals and entities were notified of the Stage 1 & 2 Abatement Plan submitted by Gilbert J. Van Deventer of R.T. Hicks Consultants for the P-6 Release Site.

Notices were sent via certified mail to landowners within the prescribed radius and return receipts were received for all landowners, indicating that the mailing was received. Mailings were also sent to the Lea County Commission and the list of Interested Parties found on the New Mexico Oil Conservation Division (OCD) website. One mail delivery could not be confirmed so the document was sent via electronic mail (e-mail) to the address provided on the list. Thirty-eight total notifications were sent and one was not delivered. The notification to Mike Schultz of the International Technology Corp. (from the OCD Interested Parties list) was return as "attempted—not known." Previous delivery attempts to this address have been refused.

As directed by OCD, the Stage 1 & 2 Abatement Plan notifications were published in the *Albuquerque Journal* and the *Hobbs News-Sun* newspapers. Affidavits for these publications are enclosed.

ROC requests that OCD consider public notice complete for this site. Should you have any further questions regarding this request, do not hesitate to contact me. Thank you for your consideration.

ROC is the service provider (operator) for the EME SWD System and has no ownership of any portion of the pipeline, well, or facility. The System is owned by a consortium of oil producers, System Partners, who provide all operating capital on a percentage ownership/usage basis.

RICE OPERATING COMPANY



Kristin Farris Pope
Project Scientist

enclosures: summary table of notifications,
 newspaper affidavits,
 return receipt copies,
 e-mail copies

cc: CDH, GVD, file, Daniel Sanchez (NMOCD),

Mr. Chris Williams
NMOCD, District I Office
1625 N. French Drive
Hobbs, NM 88240

AVIT OF PUBLICATION

State of New Mexico,
County of Lea.

I, KATHI BEARDEN

Publisher

of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, do solemnly swear that the clipping attached hereto was published once a week in the regular and entire issue of said paper, and not a supplement thereof for a period

of 1 weeks.

Beginning with the issue dated December 13 2005 and ending with the issue dated

December 13 2005

Kathi Bearden
Publisher

Sworn and subscribed to before me this 13th day of

December 2005

Dora Montz
Notary Public.

My Commission expires February 07, 2009 (Seal)



OFFICIAL SEAL
DORA MONTZ
NOTARY PUBLIC
STATE OF NEW MEXICO

My Commission Expires _____

This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937, and payment of fees for said publication has been made.

LEGAL NOTICE
December 13, 2005

NOTICE OF PUBLICATION

State of New Mexico
Energy, Minerals and Natural Resources Department
Oil Conservation Division

Notice is hereby given that pursuant to New Mexico Oil Conservation Division Regulations, the following Stage 1 and 2 Abatement Plan Proposal has been submitted to the Director of the Oil Conservation Division, 1220 S. St. Francis Dr., Santa Fe, New Mexico 87505, Telephone (505) 476-3440:

Rice Operating Company, Carolyn Doran Haynes, Engineering Manager, Telephone (505) 393-9174, 122 West Taylor, Hobbs, New Mexico 88240, has submitted a Stage 1 and 2 Abatement Plan Proposal (AP-45) for the EME P-6 Release Site, located in Section 6, Township 20 south, Range 37 east, Lea County, New Mexico, approximately 4 miles west-southwest of Monument, New Mexico. Rice Operating Company operates a salt-water disposal pipeline at the site. Soil impacts at the site include chlorides and hydrocarbons. Groundwater samples exhibit elevated chloride concentrations. The Stage 1 and 2 Abatement Plan Proposal presents the following site soil and groundwater investigation activities: (1) Define regional ground water flow direction, potential sources of chloride in ground water and ambient ground water chemistry, (2) further delineation of the vertical and lateral extent of soil impact, and (3) evaluate flux in the vadose zone and threat to ground water impact.

Any interested person may obtain further information from the Oil Conservation Division and may submit written comments to the Director of the Oil Conservation Division at the address given above. The Stage 1 and 2 Abatement Plan Proposal may be viewed at the above address or at the Oil Conservation Division District Office, 1625 N. French Drive, Hobbs, New Mexico 88240, Telephone (505) 393-6161 between 8:00 a.m. and 4:00 p.m., Monday through Friday. Prior to ruling on any proposed Abatement Plan, the Director of the Oil Conservation Division shall allow at least thirty (30) days after the date of publication of this notice during which written comments may be submitted to him.
#22012

01104367000 67534979
RICE OPERATING COMPANY
122 WEST TAYLOR
HOBBS, NM 88240

EME P-6 Release

Unit 'P', Sec. 6, T20S, R37E

Public Notice Mailings (12/7/2005)

Stage 1 and 2 Abatement Plan

| | Landowner or Interested Party | Delivery Status | | | Comments |
|----|---|----------------------|---------------------|------------------|-------------------------|
| | | Delivered US Mail | Delivered E-mail | Not Delivered | |
| 1 | Jimmie T. Cooper Star Route A, Box 55 Monument, NM 88265 | X | | | Return Receipt Received |
| 2 | Chevron USA, Inc 15 Smith Road Midland, TX 79705 | X | | | Return Receipt Received |
| 3 | James Dellis Barber Estate First National Bank P.O. Box 1347 Colorado City, TX 79512 | X | | | Return Receipt Received |
| 4 | Charcie F. Byrd P.O. Box 32 Monument, NM 88265 | X | | | Return Receipt Received |
| 5 | Jim Amos Carlsbad Field Office 620 East Greene Street Carlsbad, NM 88220 | X | | | Return Receipt Received |
| 6 | Gilbert Borrego New Mexico State Land Office P.O. Box 1148 Santa Fe, NM 87504 - 1148 | X | | | Return Receipt Received |
| 7 | James R. Byrd P.O. Box 32 Monument, NM 88265 | X | | | Return Receipt Received |
| 8 | Laughlin, M.E. Est. Reeves Elise Laughlin P.O. Box 870849 Mesquite, TX 75187-0849 | X | | | Return Receipt Received |
| 9 | Lea partners Kirkwood & Darby P.O. Box 870849 Mesquite, TX 75187-0849 | X | | | Return Receipt Received |
| 10 | Attorney General's Office P.O. Box 1508 Santa Fe, NM 87502 - 0115 | X | | | Return Receipt Received |
| 11 | Bureau of Land Management State Director P.O. Box 27115 Santa Fe, NM 87502 - 0115 | X | | | Return Receipt Received |
| 12 | Chief Hazardous Waste Bureau Runnels Building Santa Fe, NM 87504 | X | | | Return Receipt Received |

| | | | | | |
|----|---|---|--|---|-------------------------|
| 13 | Gerald R. Zimmerman Colorado River Board of Calif. 770 Fairmont Ave, Ste. 100 Glendale, CA 91203 - 1035 | X | | | Return Receipt Received |
| 14 | Dr. Harry Bishara P.O. Box 748 Cuba, NM 87013 | X | | | Return Receipt Received |
| 15 | Mike Schulz International Technology Corp. 5301 Central Avenue, NE Suite 700 Albuquerque, NM 87108 | | | X | Attempted; Not Known |
| 16 | Ken Marsh P.O. Box 388 Hobbs, NM 88241 | X | | | Return Receipt Received |
| 17 | Ned Kendrick Attorney at Law 325 Pasco de Peralta Santa Fe, NM 87501 | X | | | Return Receipt Received |
| 18 | Lynn Brandvold NM Bureau of Mines & Mineral Resources NM Institute of Mining & Tech Socorro, NM 87801 | X | | | Return Receipt Received |
| 19 | Randy Hicks 901 Rio Grande Blvd NW Suite F - 142 Albuquerque, NM 87104 | X | | | Return Receipt Received |
| 20 | Bruce S. Garber Attorney at Law P.O. Box 0850 Santa Fe, NM 87504 - 0850 | X | | | Return Receipt Received |
| 21 | Chief Groundwater Bureau Runnels Building Santa Fe, NM 87504 | X | | | Return Receipt Received |
| 22 | Jack A. Barnett Colorado River Basin Ctrl. Forum 106 West 500 South, Suite 101 Bountiful, UT 84010 | X | | | Return Receipt Received |
| 23 | Department of Game & Fish Director Villagra Building Santa Fe, NM 87503 | X | | | Return Receipt Received |
| 24 | Public Service Company of NM Environmental Counsel ATTN: Colin Adams 414 Silver, Southwest Albuquerque, NM 87158 | X | | | Return Receipt Received |
| 25 | Jay Lazarus P.O. Box 5727 Santa Fe, NM 87502 | X | | | Return Receipt Received |
| 26 | Lee Wilson & Associates P.O. Box 931 Santa Fe, NM 87501 | X | | | Return Receipt Received |

| | | | | | |
|---------------|---|----|---|---|--|
| 27 | New Mexico Environmental Department Secretary P.O. Box 26110 Santa Fe, NM 87501 | X | | | Return Receipt Received |
| 28 | NM Oil & Gas Association P.O. Box 1864 Santa Fe, NM 87504 - 1864 | X | | | Return Receipt Received |
| 29 | Soil & Water Conservation Bureau NM Dept of Agriculture/Ag Programs & Resources Box 30005/APR Las Cruces, NM 88003 - 8005 | X | | | Return Receipt Received |
| 30 | Chris Shuey Southwest Research & Information Center P.O. Box 4524 Albuquerque, NM 87106 | X | | | Return Receipt Received |
| 31 | State Historic Preservation Officer Attn: Elmo Baca 228 East Palace Avenue Villa Rivera Room 101 Santa Fe, NM 87503 | X | | | Return Receipt Received |
| 32 | US Fish & Wildlife Service Field Supervisor 2105 Osuna Road, Northeast Albuquerque, NM 87113 - 1001 | X | | | Return Receipt Received |
| 33 | Water Resources Division State Engineer Bataan Building Santa Fe, NM 87503 | X | | | Return Receipt Received |
| 34 | Ron Dutton Southwestern Public Service P.O. Box 1261 Amarillo, TX 79170 | X | | | Return Receipt Received |
| 35 | State Parks & Recreation Director 1220 S St. Francis Santa Fe, NM 87505 | X | | | Return Receipt Received |
| 36 | Regional Forester USFS Regional Office 517 Gold Avenue SW Albuquerque, NM 87102 | | X | | Undeliverable mail, not able to forward; e-mailed on 1/13/2006 |
| 37 | William Turner NM Trustee For Natural Resources C/O American Ground Water Consultants 610 Gold St. SW, Suite 111 Albuquerque, NM 87102 | X | | | Return Receipt Received |
| 38 | Lea County Administration Office Attn: Lue Ethridge 100 N. Main Street, Suite 4 Lovington, NM 88260 | X | | | Return Receipt Received |
| TOTALS | | 36 | 1 | 1 | |



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 18, 2005

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

**RE: ABATEMENT PLAN PROPOSALS
LEA COUNTY, NEW MEXICO**

Dear Ms. Haynes:

The New Mexico Oil Conservation Division (OCD) has reviewed Rice Operating Company's (Rice) **ABATEMENT PLANS**. These documents contains Rice's proposed Stage 1 and Stage 2 abatement plans for investigation and remediation of contamination for the sites listed below. Please note OCD has issued each site with a new abatement plan number. Please use this number in the future on all correspondence. The OCD has determined that the below Abatement Plan Proposals are administratively complete.

| | | | | | |
|---------------------|---------------|-----------|-----------|----------|-----------|
| EME Jct. M-16-1 | M-16-20s-37e | 1R0427-93 | Stage 1 | 6/23/05 | New AP-42 |
| EME Jct. A-20 | A-20-20s-37e | 1R0427-89 | Stage 1 | 7/08/05 | New AP-43 |
| EME H-13 leak | H-13-20s-36e | 1R0429 | Stage 1 | 7/12/05 | New AP-44 |
| EME P-6 leak | P- 6-20s-37e | 1R0422 | Stage 1&2 | 7/14/05 | New AP-45 |
| EME Jct. K-6 | K- 6-20s-37e | 1R0427-88 | Stage 1 | 10/17/05 | New AP-46 |
| BD Jct. F-17 | F- 17-21s-37e | 1R0426-14 | Stage 1 | 7/12/05 | New AP-47 |
| Justis Jct.L-1 Boot | L-1-25s-37e | 1R0423-0 | Stage 1 | 7/12/05 | New AP-48 |
| Justis H-2 SWD | H-2-26s-37e | 1R0423-01 | Stage 1 | 7/14/05 | New AP-49 |

Before the OCD can complete a review of the proposals, the OCD requires that:

1. Rice issue approved notice of publication in the Albuquerque Journal and Hobbs News Sun pursuant to OCD Rule 19.G.(2).
2. Prior to issuing public notice, Rice shall issue approved written notice of the proposals pursuant to OCD Rule 19.G.(1). Please note 19.G(1)(d) can be found on OCD's web page.

Ms. Carolyn Doran Haynes
November 18, 2005
Page 2

3. Rice provide the OCD with proof of publication and proof of written notice. Proof of notice shall include a map of the surface owners of record within one (1) mile of the perimeter of the site and shall identify compliance with each of the provisions of Rule 19.G.

Please note in the future it might be prudent to include you public notice provisions in the abatement plan submittal. If you have any questions please do not hesitate to call (505)-476-3487 or E-mail wayne.price@state.nm.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Price". The signature is written in a cursive, flowing style.

Wayne Price-Senor Envr. Engr.

Enclosures

cc: Chris Williams, OCD Hobbs District Office



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON
Governor

May 05, 2005

Joanna Prukop
Cabinet Secretary
Mark Fesmire
Director
Oil Conservation Division

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

Re: Sites with confirmed Groundwater Contamination

Dear Ms. Haynes:

Pursuant to the New Mexico Oil Conservation Division rule 19.15.1.19 (Rule 19) Prevention and Abatement of Water Pollution requires all responsible persons who are abating water pollution in excess of the standards shall do so pursuant to an abatement plan approved by the director.

Therefore, Rice Operating Company is hereby required to submit individual abatement plans for OCD approval by July 15, 2005 for each of the following sites:

EME Sites:

| | | | | |
|---------------------|----|---|--------------------|--------------|
| H-13 | UL | H | Sec 13, T20s, R36E | 1R0429 |
| M-9 | UL | M | Sec 9, T20s, R37E | 1R0331 |
| P-6 | UL | P | Sec 6, T20s, R37E | 1R0422 |
| Jct. N-5 | UL | N | Sec 5, T20S, R37E | 1R0427-90 |
| Jct. M-16-1 | UL | M | Sec 16, T20S, R37E | 1R0427-93 |
| Jct. K-33-1 | UL | K | Sec 33, T19S, R37E | 1R0427-92 |
| Jct. A-20 | UL | A | Sec 20, T20S, R37E | 1R0427-89 |
| Jct. K-6 | UL | K | Sec 6, T20S, R37E | 1R0427-88 |
| Marathon Barber EOL | UL | E | Sec 5, T20S, R37E | 1R0427-91 |
| jct. D-1 leak | UL | D | Sec. 1, T20S, R36E | not assigned |

BD Sites:

| | | | | |
|--------------------|----|---|--------------------|-----------|
| Zachary Hinton EOL | UL | O | Sec 12, T22S, R37E | 1R0426-36 |
| Jct. J-26 | UL | J | Sec 26, T21S, R37E | 1R0426-40 |
| Jct. F-17 | UL | F | Sec 17, T21S, R37E | 1R0426-33 |
| Jct. I-27 | UL | I | Sec 27, T21S, R37E | 1R0426-35 |
| Jct. N-29 | UL | N | Sec 29, T21S, R37E | 1R0426-37 |
| jct. E-3 | UL | E | Sec 3, T22S, R37E | 1R0426-53 |

Justis Sites:

| | | | | |
|----------|----|---|-------------------|-----------|
| jct. L-1 | UL | L | Sec 1, T25S, R37E | 1R0423-0 |
| SWD H-2 | UL | H | Sec 2, T26s, R37E | 1R0423-01 |

Hobbs Sites:

| | | | | |
|--------------|----|---|--------------------|--------------|
| Jct. F-29-1A | UL | F | Sec 29, T18S, R38E | not assigned |
| I-29 Vent | UL | I | Sec 29, T18S, R38E | not assigned |

After OCD receives the plans each site will be assigned a new Abatement Plan number (AP#) for tracking purposes. If you have any questions please do not hesitate to contact me at 505-476-3493 or E-mail DJSanchez@state.nm.us; or contact Wayne Price of my staff at 505-476-3487 or e-mail WPRICE@state.nm.us.

Sincerely;



Daniel Sanchez
Enforcement and Compliance Manager
DS/wp

Cc: OCD Hobbs office

Price, Wayne

From: Price, Wayne
Sent: Friday, December 10, 2004 1:30 PM
To: 'Gilbert J Van Deventer'; Price, Wayne; Carolyn Doran Haynes (E-mail)
Cc: chdriceswd@leaco.net; enviro@leaco.net
Subject: RE: Proposed Corrective Action for P-6

Dear Ms. Haynes:

OCD hereby denies the submitted plan for the following reasons:

1. OCD's first and foremost objection is the original plan proposed excavation and installing a clay liner and submitting a final report. The next report dated September 20, 2004 was for corrective action concerning the groundwater issue. No where in this document did it mention that ROC changed its plans, except at the very end of the report it mentioned, "excavation is not warranted". It wasn't until after I discussed the issue with the contractor did I find out that the work proposed in the first report was not carried out. OCD sent an E-mail on November 17, 2004 concerning this issue. As of this date we have not received an adequate response. Does this mean that OCD will have to take a look at over two hundred closures that were closed pursuant to OCD approvals to make sure the work was actually completed, we hope this is not the case. Please explain and provide OCD an assurance this type of misunderstanding will not happen in the future.
2. The plan does not provide for delineation of the entire site.
3. The plan does not include values for constituents of concern for delineation purposes.
4. The plan does not address contaminants outside of the 50 feet diameter and deeper than 11 feet.
5. The plan mentions "chlorides concentrations which will support native vegetation" What concentrations are these?
6. The plan does not address blended contaminants above the liner. What will stop the infiltrating water from seeping on to the liner and off the side into groundwater.
7. The plan mentions that a fate and transport model has already been conducted and "shows that the existing hydrocarbons do not pose a threat and will not reach groundwater. OCD's would like to point out in the July 31, 2003 report Attachment C-page 9 top of the page first paragraph; " The graph of the benzene concentration in the leachate at the groundwater depth indicates that a maximum level of .035 mg/l will occur in approximately 20 to 50 years from the present." This level is three and one half times the allowable limit. The only way OCD could possibly approve this is if ROC request a hearing for alternate standards and obtain a discharge permit. OCD cannot allow someone to pollute groundwater.
8. ROC makes a statement "ROC is convinced that the chloride/TDS impacted groundwater at this site is the result of an offsite up gradient source and that the former leak at this site is not a contributing factor"; Please go to page 6 of 9 of the July 31, 2003 report second sentence under Installation of Groundwater Monitoring Wells It reads "This suggest that the residual chlorides in the vadose zone no longer pose a threat to leaching into the groundwater because the bulk of the chloride mass appears to have already passed through to groundwater and the vadose zone is no longer under saturated conditions" OCD is very concerned that such a statement was made in the work plan submitted on Dec 08, 2004 when ROC knew and anticipated that chlorides had already contaminated groundwater under the site.
9. OCD will continue to accept models, but our policy will be that we must receive a copy of the model for OCD use. The NM Information Technology group will not install any models on our computers unless the operator demonstrate they have exclusive rights to share the model.

12/10/2004

Please submit a more detail plan by January 15, 2005.

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

From: Gilbert J Van Deventer [mailto:kickbooty@juno.com]

Sent: Wednesday, December 08, 2004 2:56 PM

To: wprice@state.nm.us

Cc: chdriceswd@leaco.net; enviro@leaco.net

Subject: Proposed Corective Action for P-6

Site Name: EME P-6 Line Leak

Site Location: T20S, R36E, Section 6, Unit Letter P

Site Operator: Rice Operating Company

Proposed Corrective Action for P-6:

Excavate to at least 6 feet and no deeper than 11 feet below ground surface and no larger than 50 feet in diameter.

Install a 1-foot thick compacted clay layer at 6 feet depth and return excavated soil with TPH < 500 mg/kg, BTEX < 50 mg/kg, benzene <10 mg/kg, and chloride concentrations which will support native vegetation based on composite sampling. Soils with an amount of any constituent above these levels will be transported to the South Monument landfarm.

The surface will be seeded with a blend of native vegetation and monitored for growth. ROC will submit soil samples to the laboratory for TPH, BTEX, and chloride analysis to confirm these constituents are at levels supporting vegetation and root-zone development.

The existing monitoring well (P6-1) will be left in place and monitored on a quarterly basis for at least two years. The next two years of groundwater monitoring will be compared to the three-year trend already documented in which the chloride and TDS levels have not increased as a result of a line leak at this site.

Upon completion of the above-referenced activities, a final C-141 form and supporting documentation will be submitted to the NMOCD.

Justification for Proposed Corrective Action:

The liner will act as a permanent permeability barrier to infiltrating water. The past three years of groundwater monitoring in P6-1 and one year of monitoring in P6-2 already show that chloride and TDS levels have decreased since their respective initial sampling event.

Hydrocarbon delineation and fate & transport modeling has already been performed and shows that the existing hydrocarbons do not pose a threat to human health and the environment and will not reach groundwater. ROC is convinced that the chloride/TDS impacted groundwater at this site is the result of an offsite upgradient source and that the former leak at this site is not a contributing factor, which the actions in this plan are intended to confirm.

ROC is prepared to proceed with the proposed corrective actions specified above. We appreciate the opportunity to work with you on this project. Please feel free to call me at

432-682-0808, or Carolyn Haynes or Kristin Farris Pope at 505-393-9174, if you have any questions.

Gilbert J. Van Deventer, PG, NMCS, REM

gil@trident-environmental.com

Trident Environmental, PO Box 7624, Midland TX 79708-7624

Office: 432-682-0808, Fax/Home: 432-682-0727, Mobile: 432-638-3106

Website Address: www.trident-environmental.com

enviro@leaco.net>

To: <kickbooty@juno.com>

Date: Wed, 8 Dec 2004 12:30:00 -0700

Subject: P-6 response

Message-ID: <000a01c4dd5c\$4efa1b00\$6801a8c0@rice5d6y3hrqfi>

looks like we're not going to have a conf. call w/OCD. Please submit your latest P-6 response letter to WP and cc ROC.

Kristin Farris Pope

Project Scientist

RICE Operating Company

Hobbs, NM 88240

(505) 393-9174

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Price, Wayne

From: Gilbert J Van Deventer [kickbooty@juno.com]
Sent: Wednesday, December 08, 2004 2:56 PM
To: wprice@state.nm.us
Cc: chdriceswd@leaco.net; enviro@leaco.net
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ROC is prepared to proceed with the proposed corrective actions specified above. We appreciate the opportunity to work with you on this project. Please feel free to call me at 432-682-0808, or Carolyn

12/9/2004

Haynes or Kristin Farris Pope at 505-393-9174, if you have any questions.

Gilbert J. Van Deventer, PG, NMCS, REM

gil@trident-environmental.com

Trident Environmental, PO Box 7624, Midland TX 79708-7624

Office: 432-682-0808, Fax/Home: 432-682-0727, Mobile: 432-638-3106

Website Address: www.trident-environmental.com

enviro@leaco.net>

To: <kickbooty@juno.com>

Date: Wed, 8 Dec 2004 12:30:00 -0700

Subject: P-6 response

Message-ID: <000a01c4dd5c\$4efa1b00\$6801a8c0@rice5d6y3hrqfi>

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Kristin Farris Pope

Project Scientist

RICE Operating Company

Hobbs, NM 88240

(505) 393-9174

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For more information please visit <http://www.messagelabs.com/email>

Price, Wayne

From: Price, Wayne
Sent: Monday, December 06, 2004 4:23 PM
To: Carolyn Doran Haynes (E-mail)
Cc: Kristin Farris Pope (E-mail); Anderson, Roger; Fesmire, Mark
Subject: Rice Operating Company Contaminated Sites located in the Monument NM area

Dear Ms. Haynes:

The OCD is hereby responding to you concerning the issue of Rice Operating Company's contaminated sites where there is existing up-gradient groundwater contamination. OCD's position will be that such sites where the vadose zone is contaminated, and may potentially add to the existing groundwater contamination, such sites shall be addressed with an appropriate approved remediation plan. Therefore, please submit plans for these sites or notify OCD if these sites will be cleaned-up pursuant to one of the Generic Plans previously approved.

Sincerely:

Wayne Price
New Mexico Oil Conservation Division
1220 S. Saint Francis Drive
Santa Fe, NM 87505
505-476-3487
fax: 505-476-3462
E-mail: WPRICE@state.nm.us

Price, Wayne

From: Price, Wayne
Sent: Wednesday, November 17, 2004 2:12 PM
To: Carolyn Doran Haynes (E-mail); Kristin Farris Pope (E-mail)
Cc: Anderson, Roger; Williams, Chris; Sheeley, Paul; Johnson, Larry
Subject: Monument EME sites

Dear Carolyn:

The OCD would like to set up a conference call concerning the Monument EME sites in general. Roger will be out of the office next week and the following Monday. So sometime during Nov 30-Dec 03. OCD understands there may be a regional groundwater contamination issue up-gradient of these sites. OCD would like to discuss a path forward concerning these sites. Please let us know when would be a good time.

EME P-6 line leak issue: Trident submitted a work plan in July 31, 2003 which included installing a cap to prevent infiltration. The latest plan we received was on September 20, 2004 called corrective action. Only after taking to the consultant did I find out that no cap was actually installed and the plan did not include any type of vadose zone corrective action. The report ask for closure on the basis that the groundwater contamination is from an up-gradient source and the fact that soil borings from the site had chlorides levels near background levels. There was no documentation on the background levels included in this report.

OCD took additional time to review the previous report.

1. The report shows on page 3 of 9 that sample point B showed TPH contamination from (3-15 feet) deep ranged 23,510 to 6,270 mg/kg and chlorides ranged from 200 to 750 mg/kg. The 750 mg/kg was at the 15 foot level.
2. The second report indicated groundwater depth is 37 feet at this site. This report also shows that the leak site Monitor well P6-1 has slightly higher concentrations of chlorides and TDS than the up-gradient site P6-2.
3. The groundwater gradient map supplied shows a gradient heading in the south-southwest direction. The suspected source of contamination (i.e. Climax Chemical) is actually located northwest of the site. So there may even be another source. It's my understanding that Rice has several sites in this area and some are up- gradient.

OCD conclusions are as follows:

1. The EME P-6 leak site has higher concentrations in the groundwater than up-gradient.
2. The remaining contaminated soils are in close proximity to the groundwater i.e. (15-20 feet)
3. There is no barrier to prevent these soils from migrating down to groundwater.
4. There was no demonstration showing that the contamination would not migrate to groundwater.
5. There was no demonstration showing that the up gradient contaminated water was not Rice Operations'.
6. OCD has never seen natural chloride background levels in the range of 200-750 mg/l in the soils in this area. OCD does not buy the fact background chlorides are from windblown salts from the Old Climax Chemical Co. The prevailing wind in this area is from the southwest to the Northeast plus the fact the climax site is located Northwest and over 2-3 miles away. However in the spirit of cooperation we welcome Rice to investigate and prove this issue. Good Luck!

Hopefully you can understand why OCD is not prepared at this time to issue closure on this particular site or any of the other sites in this area. OCD is not prepared to issue a blanket closure of these sites in this area just because there is an up gradient contamination source. OCD feels each site will have to be investigated, possibly remediated, and a demonstration showing that the contamination at these sites will not contribute to the overall contamination in this area over time and be protective of public health and the environment. As of this date that demonstration has not been made.

Sincerely:

Wayne Price
New Mexico Oil Conservation Division
1220 S. Saint Francis Drive
Santa Fe, NM 87505
505-476-3487

fax: 505-476-3462

E-mail: WPRICE@state.nm.us