



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Lori Wrotenbery

Director

Oil Conservation Division

6/8/2004

Marks and Gardner Prod. Co. Ltd.

Att: Devin Garner

P.O. Box 70

Lovington, N.M. 88260

Re: 30-015-22443 Ut. M-33-16s-29e

Levers Fed. #5

Dear Mr. Devin Garner,

The Artesia Oil Conservation Division is in receipt of the initial C-141 form (copy included) dated 5/26/2004 from Marks and Garner Prod. Co. Ltd.

Please submit a Corrective Action work plan to the Artesia O.C.D. for correction of this release. Please use the "Guidelines For Remediation of leaks, spills, and releases" as your guide.

A copy of the Guidelines for Remediation of Leaks, Spills, and Releases, published 1993, can be found at the O.C.D. web address WWW.EMNRD.STATE.NM.US/OCD.

The published document can be found on the O.C.D. web page under Publications/Environmental Handbook/Miscellaneous Guidelines/Spill Prevention Clean up.

The work plan presented to the O.C.D. must include general site characteristics, soil remediation action levels, soil remediation methods, and planned analytical, which will require testing for TPH, B-Tex.

A Final C-141 form is required for closure of the initial C-141 form filed. The Final C-141 Form filed must include a report of remediation actions taken with analytical results attached

Please have the requested work plan in the Artesia office on or before 7/8/2004.

The Artesia O.C.D. must be notified 24 hours prior to any remediation actions and/or subsequent soil samples taken for analytical.

In the event that a satisfactory response is not received to this letter further enforcement will occur. Such enforcement may include this office applying to the Division for an order summoning you to a hearing before a Division Examiner in Santa Fe. Such a hearing may result in imposition of **CIVIL PENALTIES** for your violation of OCD rules.

If I can be of assistance in this matter please do not hesitate to contact me at 505-748-1283
Or E-mail me at MSTUBBLEFIELD@STATE.NM.US.

Sincerely,

Mike Stubblefield

Environ. Eng. Spec.

N.M.O.C.D.

District I
1625 N. French Dr., Hobbs, NM 88240
District II
1301 W. Grand Avenue, Artesia, NM 88210
District III
1000 Rio Brazos Road, Aztec, NM 87410
District IV
1220 S. St. Francis Dr., Santa Fe, NM 87505

State of New Mexico
Energy Minerals and Natural Resources

Oil Conservation Division
1220 South St. Francis Dr.
Santa Fe, NM 87505

Form C-141
Revised October 10, 2003

Submit 2 Copies to appropriate
District Office in accordance
with Rule 116 on back
side of form

30-015-22443

Release Notification and Corrective Action

OPERATOR

X Initial Report ☐ Final Report

Name of Company	Marks and Garner Prod. Co. Ltd.	Contact	Devin Garner
Address	P.O. Box 70 Lovington NM 88260	Telephone No.	(505) 631-4770
Facility Name	Levers Federal # 5	Facility Type	Tank Battery
Surface Owner	N/A	Mineral Owner	Marks and Garner
		Lease No.	L.C. 037777

LOCATION OF RELEASE

Unit Letter	Section	Township	Range	Feet from the	North/South Line	Feet from the	East/West Line	County
M	33	16S	29E	660	FSL	660	FWL	Eddy

Latitude _____ Longitude _____

NATURE OF RELEASE

Type of Release	Produced Water	Volume of Release	2 BBLS	Volume Recovered	0 BBLS
Source of Release	Tank	Date and Hour of Occurrence	N/A	Date and Hour of Discovery	5-21-04 1500
Was Immediate Notice Given?	x Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom?	Mike Stubblefield		
By Whom?	Devin Garner	Date and Hour	5-21-04 1530		
Was a Watercourse Reached?	<input type="checkbox"/> Yes X No	If YES, Volume Impacting the Watercourse.			

If a Watercourse was Impacted, Describe Fully.*

Describe Cause of Problem and Remedial Action Taken.*

The produced water tank had a significant amount of produced water in it and was filled to its maximum capacity. Discover that well had made a flush amount of production and had unexpectedly made a significant amount of water and oil. Called my truck driver and go to tank battery with transport and suck out tank. Water had evaporated and we will have a backhoe come and dig out old dirt and fill in with fresh dirt.

Describe Area Affected and Cleanup Action Taken.*

The tank battery was the area where the tank had run over and we plan to get all old dirt out and off location and fill back in with fresh dirt.

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Signature:		OIL CONSERVATION DIVISION	
Printed Name: Devin Garner		Approved by District Supervisor:	
Title: Supervisor	Approval Date:	Expiration Date:	
E-mail Address: <u>Garneroil@yahoo.com</u>	Conditions of Approval:		Attached <input type="checkbox"/>
Date: 5-26-04	Phone: (505) 631-4770		

* Attach Additional Sheets If Necessary