



NEW MEXICO ENERGY, MINERALS and
NATURAL RESOURCES DEPARTMENT

30-015-24896

BILL RICHARDSON

Governor

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Director

Oil Conservation Division

*Land Protection Program
"Preserving the Treasures of Our Environment"*

07-Dec-05

MARKS AND GARNER PRODUCTION LTD CO

PO BOX 70

LOVINGTON NM 88260

LETTER OF VIOLATION - Inspection

Dear Operator:

The following inspection(s) indicate that the well, equipment, location or operational status of the well(s) failed to meet standards of the New Mexico Oil Conservation Division as described in the detail section below. To comply with standards imposed by Rules and Regulations of the Division, corrective action must be taken immediately and the situation brought into compliance. The detail section indicates preliminary findings and/or probable nature of the violation. This determination is based on an inspection of your well or facility by an inspector employed by the Oil Conservation Division on the date(s) indicated.

Please notify the proper district office of the Division, in writing, of the date corrective actions are scheduled to be made so that arrangements can be made to reinspect the well and/or facility.

INSPECTION DETAIL SECTION

Inspection Date	Type Inspection	Inspector	Violation?	*Significant Non-Compliance?	Corrective Action Due By:	Inspection No.
12/06/2005	Routine/Periodic	Chris Beadle	Yes	No	8/26/2005	iCLB0534036347
Violations						
Surface Leaks/Spills						

Comments on Inspection: Well and tank battery locations are heavily contaminated. Gun barrel is actively leaking with produced fluids pooled and running off south and west. Impacted area covers approximately 75 cubic feet of soils on location indicative of a release of 5 barrels or more of produced fluids.

Older release has had contamination run off to north and southwest. Very heavy chloride contamination over the entire location with very heavy hydrocarbon contamination having run off into pasture on southwest of location. Area of older release covers approximately 2090 cubic feet of soils on location and in pasture. Depth of impacted soils in pasture is approximately 6 inches, impacted soils on location average approximately 2 inches. Impacted soils are indicative of a release of 90 or more barrels of produced fluids.

Remediation is required. Submit a Form C-141 (Release Notification and Corrective Actions) for both releases.

Submit remediation work plan to OCD District 2 Office. Remediation work plan must include general site characteristics, site ranking score, soil remediation action levels, soil remediation methods, and planned analytical testing for TPH, B-TEX, Chlorides or any other contaminants of concern as applicable. Please use the "Guidelines For Remediation of Leaks, Spills, and Releases" as your guide. This document may be found on the NMOCD web site: www.emnrd.state.nm.us/oed, under Publications> Environmental Handbook> Miscellaneous Guidelines> Remediation of Leaks, Spills and Releases.

OCD approved remediation must begin on this release no later than January 5, 2006.

Provide NMOCD District 2 Office with the remediation work plan prior to December 28, 2005.

Notify NMOCD District 2 Office 48 hours prior to any remediation work or prior to taking samples where results of the samples may be submitted to the OCD.

In the event that a satisfactory response is not received to this letter of direction by the "Corrective Action Due By:" date shown above, 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 to show cause why you should not be ordered to permanently plug and abandon this well. Such a hearing may result in imposition of CIVIL PENALTIES for your violation of OCD rules.

Sincerely,



Artesia OCD District Office

Note: Information in Detail Section comes directly from field inspector data entries - not all blanks will contain data.

*Significant Non-Compliance events are reported directly to the EPA, Region VI, Dallas, Texas.