

AP - 051

**GENERAL
CORRESPONDENCE**

YEAR(S):

2005 - 2007



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Mark E. Fesmire, P.E.

Director

Oil Conservation Division

January 26, 2006

Mr. Dennis Riding
Environmental Director
Maverik Country Stores, Inc.
800 West Center Street
North Salt Lake, UT 84054-2913

**RE: STAGE 1 ABATEMENT PLAN - MAVERIK (CARIBOU) FORMER REFINERY -
KIRTLAND, NEW MEXICO (AP051)
SECTION 19, TOWNSHIP 29 NORTH, RANGE 14 EAST
SAN JUAN COUNTY, NEW MEXICO**

Dear Mr. Riding:

The New Mexico Oil Conservation Division (OCD) has completed its technical review of the *Stage 1 Abatement Plan, Maverik (Caribou) Former Refinery, Kirtland, New Mexico* submitted on November 11, 2005, by Maverik Country Stores, Inc. (Maverik). On December 5, 2005, OCD determined that Maverik's proposed Stage 1 Abatement Plan was administratively complete. In accordance with 20.6.2.4108 NMAC (PUBLIC NOTICE AND PARTICIPATION), OCD provided notice to the public of Maverik's submittal of its Stage 1 Abatement Plan in the Farmington Daily Times and the Santa Fe New Mexican on December 15, 2005. OCD also provided notice to the New Mexico Trustee for Natural Resources and the Navaho Nation.

No comments were received on the Stage 1 Abatement Plan proposal; therefore, OCD approves Maverik's Stage 1 Abatement Plan with the following conditions:

1. Maverik shall request permission to sample and analyze all water wells located downgradient of the site or the irrigation ditches regardless of whether those wells are active.
2. Maverik shall implement the slurry wall integrity demonstration (see Section 3.4) regardless of the results of the ground water investigation. Because Maverik elected to leave

Mr. Dennis Riding
January 26, 2006
Page 2

grossly contaminated soils in place, it is appropriate for it to determine the integrity of the slurry wall at this time.

3. Maverik shall submit two paper copies and one electronic copy of its Stage 1 final report to the OCD Santa Fe Office within 45 days of its receipt of analytical data with a paper copy provided to the OCD Aztec District Office. Maverik's Stage 1 final report shall include:
 - a. A complete summary of the investigation activities, conclusions, and recommendations;
 - b. Monitoring and private water well construction summary (Table 1 may be revised to reflect any new information and to include the private water well information);
 - c. A map showing the location of all water wells within one mile of the site;
 - d. A ground water elevation map showing monitor wells, piezometers, private water wells, irrigation ditches, slurry wall, and any other pertinent site features;
 - e. Summary tables of all ground water quality sampling results and copies of all laboratory analytical data sheets and associated QA/QC data;
 - f. The disposition of all wastes generated;
 - g. An isopleth map for BTEX, 1,2-dichloroethane, and any other appropriate constituents of concern;
 - h. An appropriate number of detailed cross-sections depicting, at a minimum: the lithology; depth to ground water; ground water sample analytical results for BTEX, 1,2-dichloroethane, location of the slurry wall, location of ditches, and any other appropriate constituents of concern,
 - i. A site conceptual model that identifies the source or sources and the known extent of the soil and ground water hydrocarbon contamination, both horizontally and vertically.
4. Based on all available information, Maverik shall also include a detailed phase 2 work plan for a revised ground water monitoring program, an irrigation ditch field survey (see Section 3.2), and additional soil borings, if it cannot define the extent of soil and ground water contamination with its Stage 1 report. Maverik's phase 2 work plan must also address what additional information it must obtain before it can propose a Stage 2 Abatement Plan to remove any remaining contaminated soil and to remediate ground water.
5. If Maverik has determined the extent of the contamination in the soil and ground water and has obtained all the information needed for it to propose a final remediation work plan, then it shall submit a Stage 2 Abatement Plan in lieu of a phase 2 work plan.

Mr. Dennis Riding
January 26, 2006
Page 3

OCD's approval does not relieve Maverik of any responsibilities if its Stage 1 Abatement Plan fails to adequately determine the extent of contamination. In addition, OCD's approval does not relieve Maverik of responsibility for compliance with any other federal, state or local laws and regulations.

If you have any questions, please call Glenn von Gonten at 505-476-3488.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger C. Anderson", with a long horizontal flourish extending to the right.

Roger C. Anderson
Environmental Bureau Chief

xc: Denny Foust, OCD Aztec District Office

Advertising Receipt

The Daily Times

PO Box 450
Farmington, NM 87499
Phone: (505) 325-4545
Fax: (505) 564-4580

COPY

ED MARTIN
NM ENERGY, MINERALS & NATURAL
RESOURCES DEPT, OIL CONSERVATION
1220 S. ST. FRANCIS DRIVE
ATTN: FLORENE DAVIDSON
SANTA FE, NM 87505-4000

Cust#: d0102625-000
Ad#: 05538026
Phone: (505)476-3492
Date: 12/14/05

Ad taker: DH Salesperson: UC Classification: 999

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
01 Daily Times	12/15/05	12/15/05	1	45.92		45.92
COMMERCIAL INT.						3.00
Affidavits (2)						14.00
Total:						62.92
Tax:						4.40
Net:						67.32
Prepaid:						0.00
Total Due						67.32

RECEIVED
DEC 21 2005
OIL CONSERVATION
DIVISION

Payment Reference:

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 Water Quality Control Regulations, the following Stage 1 Abatement Plan Proposal has been submitted to the Director of the Oil Conservation Division, 1220 St. Francis Dr., Santa Fe, New Mexico 87505, Telephone (505) 476-3440:

Dennis Riding of Maverik Country Stores, Inc., Telephone (801) 936-5557, 880 West Center Street, North Salt Lake, UT 84054-2913, has submitted a Stage 1 Abatement Plan Proposal to investigate ground water contamination at its former Maverik (Caribou) Refinery, located in Unit L, Section 12, Township 29 North, Range 15 West, San Juan County, New Mexico. The Stage 1 Abatement Plan Proposal specifies that Maverik Country Stores, Inc.

OK To Pay
Ed Martin
12-21-05

AFFIDAVIT OF PUBLICATION

Ad No. 52681

**STATE OF NEW MEXICO
County of San Juan:**

CONNIE PRUITT, being duly sworn says:
That she is the ADVERTISING MANAGER of THE DAILY TIMES, a daily newspaper of general circulation published in English at Farmington, said county and state, and that the hereto attached Legal Notice was published in a regular and entire issue of the said DAILY TIMES, a daily newspaper duly qualified for the purpose within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico for publication and appeared in the Internet at The Daily Times web site on the following day(s):

Thursday, December 15, 2005.

And the cost of the publication is \$67.32.

Connie Pruitt

ON 12/19/05 CONNIE PRUITT appeared before me, whom I know personally to be the person who signed the above document.

Wynnell Corey
My Commission Expires November 17, 2008.

COPY OF PUBLICATION

918

Legals

NOTICE OF PUBLICATION

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION**

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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 Abatement Plan Proposal may be viewed at the above address or at the Oil Conservation Division Aztec District Office, 1000 Rio Brazos Road, Aztec, New Mexico 87410, Telephone (505) 334-6178, between 8:00 a.m. and 4:00 p.m., Monday through Friday. The draft discharge permit may also be viewed at OCD's web site <http://www.emnrd.state.nm.us/ocd/>. Prior to ruling on the proposed Stage 1 Abatement Plan Proposal, the Director of the Oil Conservation Division shall allow at least 30 days from the date of publication of this notice for the submittal of written comments.

Legal No. 52681 published in The Daily Times, Farmington, New Mexico on Thursday, December 15, 2005.

COPY

NM OIL CONSERVATION DIV.
ATTN: Ed Martin
1220 ST. FRANCIS DR
ATT MARY ANAYA
SANTA FE NM 87505

ALTERNATE ACCOUNT: 56689
AD NUMBER: 00150001 ACCOUNT: 00002212
LEGAL NO: 78134 P.O. #: 06-199-050125
218 LINES 1 TIME(S) 122.08
AFFIDAVIT: 5.50
TAX: 9.65
TOTAL: 137.23

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
COUNTY OF SANTA FE

I, R. Lara, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the publication # 78134 a copy of which is hereto attached was published in said newspaper 1 day(s) between 12/15/2005 and 12/15/2005 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 15th day of December, 2005 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

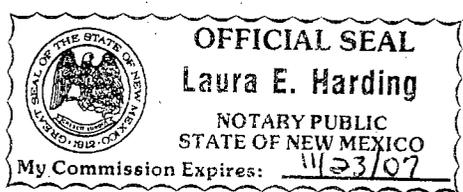
/s/ R. Lara
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 15th day of December, 2005

Notary Laura E. Harding

Commission Expires: 11/23/07

*OK To Pay
Ed Martin
12-19-05*



NOTICE OF PUBLICATION

**STATE OF
NEW MEXICO
ENERGY, MINERALS
AND NATURAL
RESOURCES
DEPARTMENT
OIL CONSERVATION
DIVISION**

Notice is hereby given that pursuant to the New Mexico Water Quality Control Commission Regulations, the following discharge plan application has been submitted to the Director of the Oil Conservation Division, 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505, Telephone (505) 476-3440:

(GW-237) - Duke Energy Field Services, LP, Mr. Tony R. Lee, Asset Manager, 1625 West Marland, Hobbs, New Mexico 88240, has submitted a discharge plan renewal application for their Pecos Diamond Gas Plant located in the SW/4 NE/4, Section 3, Township 18 South, Range 27 East, NMPM, Eddy County, New Mexico. Approximately 340 barrels per month of process wastewater with a total dissolved solids concentration of approximately 13,600 mg/l is stored in an above ground closed containment prior to transport to an OCD approved disposal facility. The discharge permit addresses how oilfield products and waste will be properly handled, stored and disposed of, including how spills, leaks, and other accidental discharges to the surface will be managed in order to protect fresh water. Groundwater most likely to be affected by an accidental discharge is at a depth of 70 feet with a total dissolved solids concentration of 10,000 mg/l.

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 discharge plan application may be viewed at the above address between 8:00 a.m. and 4:00 p.m., Monday thru Friday. Prior to ruling on any proposed discharge plan or its modification, the Director of the Oil Conservation Division shall allow at least thirty (30) days after the date of publication of this notice during which comments may be submitted to him and public hearing may be requested by any interested person. Request for public hearing shall set forth the reasons why a hearing shall be held. A hearing will be held if the director determines that there is significant public interest.

If no hearing is held, the Director will approve or disapprove the plan based on the information available. If a public hearing is held, the Director will approve the plan based on the information in the plan and information presented at the hearing.

GIVEN under the Seal of New Mexico Conservation Commission at Santa Fe, New Mexico, on this 6th day of December, 2005:

STATE OF
NEW MEXICO
OIL CONSERVATION
DIVISION

SEAL
MARK FEISMIER,
P.E., Director
Legal #78134
Pub. December 15,
2005

RECEIVED

AP 051

NOV 14 2005

Oil Conservation Division
Environmental Bureau

ADVENTURE'S FIRST STOP

MAVERIK

MAVERIK COUNTRY STORES, INC.
880 West Center Street
North Salt Lake, UT 84054-2913
Phone: (801) 936-5557
Fax: (801) 936-1406

November 11, 2005

Roger C. Anderson
Glenn von Gonten
New Mexico Energy, Minerals and Natural Resources Department
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Subject: Stage 1 Abatement Plan, Former Maverik (Caribou) Refinery, Kirtland, New Mexico

Gentlemen:

Enclosed please find a Stage 1 Abatement Plan for the above-referenced site that was prepared for Maverik by our consultant RETEC. We will implement the plan upon receiving your approval to proceed. As we agreed with you during our meeting on November 2nd, preparation of a Stage 2 Abatement Plan will await the outcome of Stage 1. Please contact me if you have any questions or concerns.

Sincerely,

Maverik Country Stores, Inc.



Dennis Riding, PE & PG
Environmental Director



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON
Governor
Joanna Prukop
Cabinet Secretary

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

December 5, 2005

AP 0051
FORMERLY 3R 0077

Mr. Dennis Riding
Environmental Director
Maverik Country Stores, Inc.
800 West Center Street
North Salt Lake, UT 84054-2913

**RE: NOTICE OF PUBLICATION
STAGE 1 ABATEMENT PLAN FOR FORMER MAVERIK REFINERY -
KIRTLAND, NEW MEXICO**

Dear Mr. Riding:

The New Mexico Oil Conservation Division (OCD) has reviewed the *Stage 1 Abatement Plan, Former Maverik (Caribou) Refinery, Kirtland, New Mexico* submitted on November 11, 2005, by Maverik Country Stores, Inc. (Maverik). Maverik's Stage 1 Abatement Plan proposal specifies how it will investigate ground water contamination at its former refinery located in Section 17, Township 29 North, Range 14 West, San Juan County, New Mexico.

In accordance with 20.6.2.4108 NMAC (PUBLIC NOTICE AND PARTICIPATION), OCD has determined that Maverik's Stage 1 Abatement Plan proposal is administratively complete. OCD will provide notice to the public (see attachment) of the submittal of a Stage 1 Abatement Plan proposal by Maverik in the Farmington Daily Times and the Santa Fe New Mexican. OCD is also providing notice to the New Mexico Trustee for Natural Resources and the Navaho Nation.

If you have any questions, please call me at 505-476-3488.

Sincerely,

Glenn von Gonten
Senior Hydrologist

NOTICE OF PUBLICATION

STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION

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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 16, 2005

Roland E. and Gloria S. Jackson
20 Road 6271
Kirtland, NM 87417-9773

**RE: STAGE 1 ABATEMENT PLAN PROPOSAL
BOB AND BLANCHE NO. 1 SPILL
UNIT L, SECTION 12, TOWNSHIP 29 NORTH, RANGE 15 WEST
SAN JUAN COUNTY, NEW MEXICO
AP040**

Dear Mr. and Ms. Jackson:

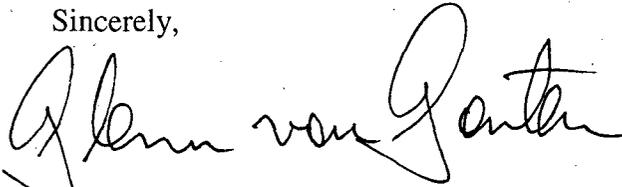
Mr. Fesmire asked me to respond to your letter of November 8, 2005, in which you express interest in the ongoing abatement process at the Bob and Blanche No. 1 spill located in Kirtland, New Mexico. As a result of a spill of oil, sediment, and produced water on June 18, 2005, at the Richardson Operating Company - Bob and Blanche No. 1 tank battery, the Oil Conservation Division (OCD) has required the two responsible persons, Richardson Operating Company and PETRO MEX to submit an Abatement Plan to define the ground water contamination. After the ground water contamination has been defined, OCD will require that the contaminated ground water be appropriately remediated to state standards.

As part of the public notice requirements, Richardson and PETRO MEX were required to provide all persons living within one mile from the release with a written copy of the public notice, as well as provide notice in the newspaper. As stated in the notice, any interested person, such as you, may submit written comments to OCD during the 30-day public comment period. After the close of the public comment period, OCD will consider all public comments before making a final decision to approve or deny the Stage 1 Abatement Plan proposal. Please feel free to provide OCD with any comments or concerns that you may have.

A similar process is currently being followed at the former Maverik Caribou Refinery. As a result of the sampling results from your water well, OCD has required Maverik to submit a Stage 1 Abatement Plan proposal, which OCD is presently reviewing for administrative completeness.

OCD anticipates that Maverik will provide public notice about its Abatement Plan proposal soon. OCD will require Maverik to follow the same Public Notice processes as with the Bob and Blanche release site. If you have any questions, please call me at 505-476-3488.

Sincerely,

A handwritten signature in cursive script that reads "Glenn von Gonten". The signature is written in black ink and is positioned above the typed name.

Glenn von Gonten
Senior Hydrologist

xc: Denny Foust, OCD Aztec District Office

RECEIVED

NOV 14 2005

Oil Conservation Division
Environmental Bureau



MAVERIK COUNTRY STORES, INC.
880 West Center Street
North Salt Lake, UT 84054-2913
Phone: (801) 936-5557
Fax: (801) 936-1406

November 11, 2005

Roger C. Anderson
Glenn von Gonten
New Mexico Energy, Minerals and Natural Resources Department
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Subject: Stage 1 Abatement Plan, Former Maverik (Caribou) Refinery, Kirtland, New Mexico

Gentlemen:

Enclosed please find a Stage 1 Abatement Plan for the above-referenced site that was prepared for Maverik by our consultant RETEC. We will implement the plan upon receiving your approval to proceed. As we agreed with you during our meeting on November 2nd, preparation of a Stage 2 Abatement Plan will await the outcome of Stage 1. Please contact me if you have any questions or concerns.

Sincerely,

Maverik Country Stores, Inc.

A handwritten signature in black ink, appearing to read "D. Riding", is written over the name of the sender.

Dennis Riding, PE & PG
Environmental Director

AGENDA
Maverik Former Refinery, Kirtland NM Site
November 2, 2005 1:00 p.m.

Attendees: Glenn Von Gonten, NM OCD
Roger Anderson, NM OCD
Dennis Riding, Maverik
Jenny Phillips, RETEC

Goal of Meeting: To discuss site conditions and plans for upcoming Stage I work plan submission.

1. Introductions
2. Current Site Summary Presentation
3. Private Well Survey Update
4. Proposed Sampling Plans
5. Slurry Wall Integrity Evaluation
6. Options for Addressing Soil Impacts
7. Site Closure
8. Action items