

**1R – 419-0**

**GENERAL  
CORRESPONDENCE**

**2005 - Present**

**Chavez, Carl J, EMNRD**

---

**From:** Johnson, Larry, EMNRD  
**Sent:** Wednesday, April 22, 2009 9:11 AM  
**To:** Chavez, Carl J, EMNRD  
**Cc:** Swazo, Sonny, EMNRD  
**Subject:** HungryHorse Burlington Site

FYI: Just became aware of work on the Mc Neil Dauron#3 site. I understand that it was begun on Monday, April 6, 2009. I rejected approval upon discovery of erroneous initial information that given to me by Hungry Horse stating the court had found in landowner McNeil's favor.

**Chavez, Carl J, EMNRD**

---

**From:** Wynn, Tom R [Tom.R.Wynn@conocophillips.com]  
**Sent:** Monday, March 16, 2009 8:42 AM  
**To:** VonGonten, Glenn, EMNRD; Chavez, Carl J, EMNRD  
**Cc:** Statham, Scott (LDZX)  
**Subject:** McNeill Abatement Plan IRP 419  
**Attachments:** LARSON.Well Log & Appn E.pdf

Gentlemen:

As requested, please see the attached QA/QC data from the Larson report that was used to develop the subject plan.

Regards,  
Tom

<<LARSON.Well Log & Appn E.pdf>>

Thomas (Tom) Wynn  
ConocoPhillips  
Site Manager  
HSE  
1354 Phillips Building  
420 S. Keeler  
Bartlesville, OK 74074  
Voice: 918-661-0310  
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E-mail: [tom.r.wynn@conocophillips.com](mailto:tom.r.wynn@conocophillips.com)

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This inbound email has been scanned by the MessageLabs Email Security System.

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## APPENDIX D

### Boring Log

**Client:** Lynch, Chappell, and Alsup

**Project:** Burlington Resources

**Project No:** 3-0119

**Location:** Lea County, New Mexico

**Log: BH-1**

**Area:**

**Page:** 1 of 1

**Geologist:** M.J. Larson

SUBSURFACE PROFILE			SAMPLE			PID ppm 20 60 100	Notes
Depth	Symbol	Description	Number	Type	Recovery		
0		Ground Surface.					
		<b>Silty-Sandy Clay</b> 10 Yr. 3/3, dark brown, very fine grain quartz sand, moist, no odor, fill material	1	II		63.4	
			2	II		79.2	
5		<b>Silty-Sandy Clay</b> 10 Yr. 3/2, very dark grayish brown, very fine grain quartz sand, hydrocarbon stain and odor	3	II		56.9	
			4	II		51.5	
			5	II		46.9	
			6	II		5.9	
10		<b>Caliche</b> 10 Yr. 7/4, very pale brown, hard	7	II		3.6	
			8	II		3.4	
			9	II		1.3	
			10	II		1.3	
		<b>Sand</b> 10 Yr. 6/6, brownish yellow, very fine grain quartz sand, dry, very low odor, loose slightly compacted @ 8'	11	II		0.1	
15			12	II		0.5	
			13	II		0.6	
		2.5 Yr. 8/2, pale yellow, below 8'				3.5	
20			14	II		1.0	
		moist from 17' - 22', clayey, fine to medium grained quartz sand, very moist to wet at 27'	15	II		0.4	
		10 Yr. 6/4, light yellowish brown	16	II		0.4	
			17	II		2.0	
25			18	II		1.8	
			19	II			
						1.8	
30			20	II		0.4	
			21	II			
						1.2	
35			22	II		1.4	
			23	II			
		<b>Sandy Clay</b> 5 Yr. 5/6 yellowish red, fine to medium grained quartz sand, stiff, moist				1.6	
40			24	II		0.4	
		<b>Sand</b> 7.5 Yr. 6/4, light brown, very fine grained quartz sand, loose to slightly compacted clayey	25	II			
45						0.4	
			26	II		1.6	
			27	II		0.6	
		<b>Sandy Clay</b> 7.5 Yr. 6/4, light brown, very fine grained quartz sand, stiff	28	II			
50							
		<b>TD 48'</b>					
55							

Drill Method: HSA

Drill Date: 9/30/04

Hole Size: 5"

Larson and Associates, Inc  
507 N. Marienfeld, Suite 202  
Midland, Texas 79701  
(432) 687-0901

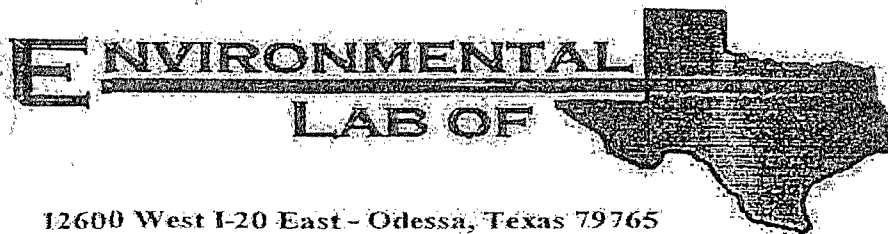
Elevation: N/A

Checked by: M.J. Larson

Drilled by: M.J. Larson

## **APPENDIX E**

### **Laboratory Report**



## Analytical Report

Prepared for:

Mark Larson  
Larson & Associates, Inc.  
P.O. Box 50685  
Midland, TX 79710

Project: Lynch, Chappell & Alsup, P.C./ Burlington Res.

Project Number: 3-0119

Location: None Given

Lab Order Number: 4J01005

Report Date: 10/05/04

Larson & Associates, Inc.  
P.O. Box 50685  
Midland TX, 79710

Project: Lynch, Chappell & Alsup, P.C./ Burlingto  
Project Number: 3-0119  
Project Manager: Mark Larson

Fax: (432) 687-0456

Reported:  
10/05/04 12:04

### ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
BH-1, 0-1'	4J01005-01	Soil	09/30/04 14:45	10/01/04 12:00
BH-1, 1-2'	4J01005-02	Soil	09/30/04 14:45	10/01/04 12:00
BH-1, 5-6'	4J01005-03	Soil	09/30/04 15:03	10/01/04 12:00
BH-1, 6-7'	4J01005-04	Soil	09/30/04 15:03	10/01/04 12:00
BH-1, 8-9.5'	4J01005-06	Soil	09/30/04 15:03	10/01/04 12:00
BH-1, 10-11'	4J01005-07	Soil	09/30/04 15:18	10/01/04 12:00
BH-1, 11-12'	4J01005-08	Soil	09/30/04 15:18	10/01/04 12:00
BH-1, 13-14'	4J01005-10	Soil	09/30/04 15:18	10/01/04 12:00
BH-1, 15-16'	4J01005-11	Soil	09/30/04 15:33	10/01/04 12:00
BH-1, 16-17'	4J01005-12	Soil	09/30/04 15:33	10/01/04 12:00
BH-1, 17-18'	4J01005-13	Soil	09/30/04 15:33	10/01/04 12:00
BH-1, 20-21'	4J01005-14	Soil	09/30/04 15:45	10/01/04 12:00
BH-1, 21-22'	4J01005-15	Soil	09/30/04 15:45	10/01/04 12:00
BH-1, 23-24'	4J01005-17	Soil	09/30/04 15:45	10/01/04 12:00
BH-1, 25-26'	4J01005-18	Soil	09/30/04 16:02	10/01/04 12:00
BH-1, 26-27'	4J01005-19	Soil	09/30/04 16:02	10/01/04 12:00
BH-1, 30-31'	4J01005-20	Soil	09/30/04 16:12	10/01/04 12:00
BH-1, 35-36'	4J01005-22	Soil	09/30/04 16:25	10/01/04 12:00
BH-1, 40-41'	4J01005-24	Soil	09/30/04 16:50	10/01/04 12:00
BH-1, 41-42'	4J01005-25	Soil	09/30/04 16:50	10/01/04 12:00
BH-1, 45-46'	4J01005-26	Soil	09/30/04 17:07	10/01/04 12:00
BH-1, 46-47'	4J01005-27	Soil	09/30/04 17:07	10/01/04 12:00
BH-1, 47-48'	4J01005-28	Soil	09/30/04 17:07	10/01/04 12:00



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Project: Lynch, Chappell & Alsup, P.C./ Burlingto  
Project Number: 3-0119  
Project Manager: Mark Larson

Fax: (432) 687-0456

Reported:  
10/05/04 12:04

**Organics by GC**  
**Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
<b>BH-1, 6-7' (4J01005-04) Soil</b>									
Gasoline Range Organics C6-C12	426	50.0	mg/kg dry	5	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	6610	50.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	7040	50.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		19.3 %	70-130	"	"	"	"	"	S-06
Surrogate: 1-Chlorooctadecane		26.2 %	70-130	"	"	"	"	"	S-06
<b>BH-1, 10-11' (4J01005-07) Soil</b>									
Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	10.7	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	10.7	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		94.0 %	70-130	"	"	"	"	"	
Surrogate: 1-Chlorooctadecane		101 %	70-130	"	"	"	"	"	
<b>BH-1, 15-16' (4J01005-11) Soil</b>									
Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	ND	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	ND	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		104 %	70-130	"	"	"	"	"	
Surrogate: 1-Chlorooctadecane		118 %	70-130	"	"	"	"	"	
<b>BH-1, 20-21' (4J01005-14) Soil</b>									
Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	ND	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	ND	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		92.4 %	70-130	"	"	"	"	"	
Surrogate: 1-Chlorooctadecane		105 %	70-130	"	"	"	"	"	
<b>BH-1, 25-26' (4J01005-18) Soil</b>									
Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	ND	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	ND	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		94.0 %	70-130	"	"	"	"	"	
Surrogate: 1-Chlorooctadecane		109 %	70-130	"	"	"	"	"	

Environmental Lab of Texas

The results in this report apply to the samples analyzed in accordance with the samples received in the laboratory. This analytical report must be reproduced in its entirety, with written approval of Environmental Lab of Texas.

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Larson & Associates, Inc.  
P.O. Box 50685  
Midland TX, 79710

Project: Lynch, Chappell & Alsup, P.C./Burlington  
Project Number: 3-0119  
Project Manager: Mark Larson

Fax: (432) 687-0456  
Reported:  
10/05/04 12:04

# Organics by GC Environmental Lab of Texas

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
<b>BH-1, 30-31' (4J01005-20) Soil</b>									
Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	ND	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	ND	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		99.4 %	70-130		"	"	"	"	
Surrogate: 1-Chlorooctadecane		114 %	70-130		"	"	"	"	
<b>BH-1, 35-36' (4J01005-22) Soil</b>									
Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	ND	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	ND	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		97.0 %	70-130		"	"	"	"	
Surrogate: 1-Chlorooctadecane		109 %	70-130		"	"	"	"	
<b>BH-1, 40-41' (4J01005-24) Soil</b>									
Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	ND	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	ND	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		101 %	70-130		"	"	"	"	
Surrogate: 1-Chlorooctadecane		113 %	70-130		"	"	"	"	
<b>BH-1, 45-46' (4J01005-26) Soil</b>									
Gasoline Range Organics C6-C12	ND	10.0	mg/kg dry	1	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	22.6	10.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	22.6	10.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		102 %	70-130		"	"	"	"	
Surrogate: 1-Chlorooctadecane		116 %	70-130		"	"	"	"	

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Larson & Associates, Inc.  
P.O. Box 50685  
Midland TX, 79710

Project: Lynch, Chappell & Alsup, P.C./ Burlington  
Project Number: 3-0119  
Project Manager: Mark Larson

Fax: (432) 687-0456

Reported:  
10/05/04 12:04

### Organics by GC Environmental Lab of Texas

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
<b>BH-1, 0-1' (4J01005-01) Soil</b>									
Gasoline Range Organics C6-C12	172	50.0	mg/kg dry	5	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	4840	50.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	5010	50.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		21.2 %	70-130	"	"	"	"	"	S-06
Surrogate: 1-Chlorooctadecane		25.4 %	70-130	"	"	"	"	"	S-06
<b>BH-1, 1-2' (4J01005-02) Soil</b>									
Benzene	ND	0.0250	mg/kg dry	25	EJ40504	10/04/04	10/04/04	EPA 8021B	
Toluene	0.0481	0.0250	"	"	"	"	"	"	
Ethylbenzene	0.173	0.0250	"	"	"	"	"	"	
Xylene (p/m)	0.550	0.0250	"	"	"	"	"	"	
Xylene (o)	0.209	0.0250	"	"	"	"	"	"	
Surrogate: a,a,a-Trifluorotoluene		91.8 %	80-120	"	"	"	"	"	
Surrogate: 4-Bromofluorobenzene		132 %	80-120	"	"	"	"	"	S-04
Gasoline Range Organics C6-C12	532	50.0	mg/kg dry	5	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	8810	50.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	9340	50.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		21.0 %	70-130	"	"	"	"	"	S-06
Surrogate: 1-Chlorooctadecane		27.2 %	70-130	"	"	"	"	"	S-06
<b>BH-1, 5-6' (4J01005-03) Soil</b>									
Benzene	ND	0.0250	mg/kg dry	25	EJ40504	10/04/04	10/04/04	EPA 8021B	
Toluene	0.0328	0.0250	"	"	"	"	"	"	
Ethylbenzene	0.0778	0.0250	"	"	"	"	"	"	
Xylene (p/m)	0.244	0.0250	"	"	"	"	"	"	
Xylene (o)	0.0912	0.0250	"	"	"	"	"	"	
Surrogate: a,a,a-Trifluorotoluene		87.4 %	80-120	"	"	"	"	"	
Surrogate: 4-Bromofluorobenzene		117 %	80-120	"	"	"	"	"	
Gasoline Range Organics C6-C12	522	50.0	mg/kg dry	5	EJ40101	10/01/04	10/01/04	EPA 8015M	
Diesel Range Organics >C12-C35	7410	50.0	"	"	"	"	"	"	
Total Hydrocarbon C6-C35	7930	50.0	"	"	"	"	"	"	
Surrogate: 1-Chlorooctane		20.2 %	70-130	"	"	"	"	"	S-06
Surrogate: 1-Chlorooctadecane		21.4 %	70-130	"	"	"	"	"	S-06

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Project: Lynch, Chappell & Alsop, P.C./ Burlingto  
Project Number: 3-0119  
Project Manager: Mark Larson

Fax: (432) 687-0456  
Reported:  
10/05/04 12:04

**General Chemistry Parameters by EPA / Standard Methods**  
**Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
<b>BH-1, 0-1' (4J01005-01) Soil</b>									
Chloride	1380	20.0	mg/kg Wet	2	EI42904	10/01/04	10/04/04	SW 846 9253	
% Solids	87.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
<b>BH-1, 1-2' (4J01005-02) Soil</b>									
Chloride	2790	20.0	mg/kg Wet	2	EI42904	10/01/04	10/04/04	SW 846 9253	
% Solids	90.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
<b>BH-1, 5-6' (4J01005-03) Soil</b>									
Chloride	1830	20.0	mg/kg Wet	2	EI42904	10/01/04	10/04/04	SW 846 9253	
% Solids	89.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
<b>BH-1, 6-7' (4J01005-04) Soil</b>									
Chloride	1380	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	94.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
<b>BH-1, 8-9.5' (4J01005-06) Soil</b>									
Chloride	1830	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
<b>BH-1, 10-11' (4J01005-07) Soil</b>									
Chloride	1790	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	94.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
<b>BH-1, 11-12' (4J01005-08) Soil</b>									
Chloride	2420	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
<b>BH-1, 13-14' (4J01005-10) Soil</b>									
Chloride	1280	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
<b>BH-1, 15-16' (4J01005-11) Soil</b>									
Chloride	1320	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	96.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	

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P.O. Box 50685  
Midland TX, 79710

Project: Lynch, Chappell & Alsop, P.C./ Burlingto  
Project Number: 3-0119.  
Project Manager: Mark Larson

Fax: (432) 687-0456  
Reported:  
10/05/04 12:04

**General Chemistry Parameters by EPA / Standard Methods  
Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
<b>BH-1, 16-17' (4J01005-12) Soil</b>									
Chloride	1620	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
<b>BH-1, 17-18' (4J01005-13) Soil</b>									
Chloride	1580	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
<b>BH-1, 20-21' (4J01005-14) Soil</b>									
Chloride	2000	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	93.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
<b>BH-1, 21-22' (4J01005-15) Soil</b>									
Chloride	2680	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
<b>BH-1, 23-24' (4J01005-17) Soil</b>									
Chloride	1000	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
<b>H-1, 25-26' (4J01005-18) Soil</b>									
Chloride	978	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	98.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
<b>BH-1, 26-27' (4J01005-19) Soil</b>									
Chloride	723	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
<b>BH-1, 30-31' (4J01005-20) Soil</b>									
Chloride	1320	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	96.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
<b>BH-1, 35-36' (4J01005-22) Soil</b>									
Chloride	936	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	99.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	

Environmental Lab of Texas

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Page 6 of 14

Larson & Associates, Inc.  
P.O. Box 50685  
Midland TX, 79710

Project: Lynch, Chappell & Alsup, P.C./ Burlingto  
Project Number: 3-0119  
Project Manager: Mark Larson

Fax: (432) 687-0456

Reported:  
10/05/04 12:04

**General Chemistry Parameters by EPA / Standard Methods**  
**Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
<b>BH-1, 40-41' (4J01005-24) Soil</b>									
Chloride	3220	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	89.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
<b>BH-1, 41-42' (4J01005-25) Soil</b>									
Chloride	2770	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
<b>BH-1, 45-46' (4J01005-26) Soil</b>									
Chloride	2940	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
% Solids	94.0		%	1	EJ40406	10/01/04	10/04/04	% calculation	
<b>BH-1, 46-47' (4J01005-27) Soil</b>									
Chloride	2300	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	
<b>BH-1, 47-48' (4J01005-28) Soil</b>									
Chloride	4040	20.0	mg/kg Wet	2	EJ40411	10/01/04	10/04/04	SW 846 9253	

Environmental Lab of Texas

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P.O. Box 50685  
Midland TX, 79710

Project: Lynch, Chappell & Alsup, P.C./ Burlingto  
Project Number: 3-0119  
Project Manager: Mark Larson

Fax: (432) 687-0456

Reported:  
10/05/04 12:04

**Organics by GC - Quality Control**  
**Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC Limits	RPD	RPD Limit	Notes
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**Batch EJ40101 - Solvent Extraction (GC)**

**Blank (EJ40101-BLK1)**

Prepared & Analyzed: 10/01/04

Gasoline Range Organics C6-C12	ND	10.0	mg/kg wet						
Diesel Range Organics >C12-C35	ND	10.0	"						
Total Hydrocarbon C6-C35	ND	10.0	"						
Surrogate: 1-Chlorooctane	41.4		mg/kg	50.0		82.8	70-130		
Surrogate: 1-Chlorooctadecane	51.3		"	50.0		103	70-130		

**Blank (EJ40101-BLK2)**

Prepared: 10/01/04 Analyzed: 10/02/04

Gasoline Range Organics C6-C12	ND	10.0	mg/kg wet						
Diesel Range Organics >C12-C35	ND	10.0	"						
Total Hydrocarbon C6-C35	ND	10.0	"						
Surrogate: 1-Chlorooctane	41.4		mg/kg	50.0		82.8	70-130		
Surrogate: 1-Chlorooctadecane	46.2		"	50.0		92.4	70-130		

**LCS (EJ40101-BS1)**

Prepared & Analyzed: 10/01/04

Gasoline Range Organics C6-C12	414	10.0	mg/kg wet	500		82.8	75-125		
Diesel Range Organics >C12-C35	491	10.0	"	500		98.2	75-125		
Total Hydrocarbon C6-C35	905	10.0	"	1000		90.5	75-125		
Surrogate: 1-Chlorooctane	41.9		mg/kg	50.0		83.8	70-130		
Surrogate: 1-Chlorooctadecane	42.3		"	50.0		84.6	70-130		

**LCS (EJ40101-BS2)**

Prepared: 10/01/04 Analyzed: 10/02/04

Gasoline Range Organics C6-C12	455	10.0	mg/kg wet	500		91.0	75-125		
Diesel Range Organics >C12-C35	497	10.0	"	500		99.4	75-125		
Total Hydrocarbon C6-C35	952	10.0	"	1000		95.2	75-125		
Surrogate: 1-Chlorooctane	42.6		mg/kg	50.0		85.2	70-130		
Surrogate: 1-Chlorooctadecane	46.7		"	50.0		93.4	70-130		

**Calibration Check (EJ40101-CCV1)**

Prepared & Analyzed: 10/01/04

Gasoline Range Organics C6-C12	467		mg/kg	500		93.4	80-120		
Diesel Range Organics >C12-C35	574		"	500		115	80-120		
Total Hydrocarbon C6-C35	1040		"	1000		104	80-120		
Surrogate: 1-Chlorooctane	54.3		"	50.0		109	70-130		
Surrogate: 1-Chlorooctadecane	61.9		"	50.0		124	70-130		

Environmental Lab of Texas

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Page 8 of 14

Larson & Associates, Inc.  
P.O. Box 50685  
Midland TX, 79710

Project: Lynch, Chappell & Alsup, P.C./ Burlingto  
Project Number: 3-0119  
Project Manager: Mark Larson

Fax: (432) 687-0456

Reported:  
10/05/04 12:04

### Organics by GC - Quality Control Environmental Lab of Texas

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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#### Batch EJ40101 - Solvent Extraction (GC)

##### Calibration Check (EJ40101-CCV2)

Prepared & Analyzed: 10/01/04

Gasoline Range Organics C6-C12	470		mg/kg	500		94.0	80-120			
Diesel Range Organics >C12-C35	576		"	500		115	80-120			
Total Hydrocarbon C6-C35	1050		"	1000		105	80-120			
Surrogate: 1-Chlorooctane	55.5		"	50.0		111	70-130			
Surrogate: 1-Chlorooctadecane	55.3		"	50.0		111	70-130			

##### Matrix Spike (EJ40101-MS1)

Source: 4J01004-01

Prepared & Analyzed: 10/01/04

Gasoline Range Organics C6-C12	495	10.0	mg/kg dry	543	ND	91.2	75-125			
Diesel Range Organics >C12-C35	572	10.0	"	543	ND	105	75-125			
Total Hydrocarbon C6-C35	1070	10.0	"	1090	ND	98.2	75-125			
Surrogate: 1-Chlorooctane	57.5		mg/kg	50.0		115	70-130			
Surrogate: 1-Chlorooctadecane	60.0		"	50.0		120	70-130			

##### Matrix Spike (EJ40101-MS2)

Source: 4J01009-03

Prepared: 10/01/04 Analyzed: 10/02/04

Gasoline Range Organics C6-C12	561	10.0	mg/kg dry	568	ND	98.8	75-125			
Diesel Range Organics >C12-C35	559	10.0	"	568	ND	98.4	75-125			
Total Hydrocarbon C6-C35	1120	10.0	"	1140	ND	98.2	75-125			
Surrogate: 1-Chlorooctane	51.4		mg/kg	50.0		103	70-130			
Surrogate: 1-Chlorooctadecane	53.6		"	50.0		107	70-130			

##### Matrix Spike Dup (EJ40101-MSD1)

Source: 4J01004-01

Prepared & Analyzed: 10/01/04

Gasoline Range Organics C6-C12	495	10.0	mg/kg dry	543	ND	91.2	75-125	0.00	20	
Diesel Range Organics >C12-C35	568	10.0	"	543	ND	105	75-125	0.702	20	
Total Hydrocarbon C6-C35	1060	10.0	"	1090	ND	97.2	75-125	0.939	20	
Surrogate: 1-Chlorooctane	56.8		mg/kg	50.0		114	70-130			
Surrogate: 1-Chlorooctadecane	59.0		"	50.0		118	70-130			

##### Matrix Spike Dup (EJ40101-MSD2)

Source: 4J01009-03

Prepared: 10/01/04 Analyzed: 10/02/04

Gasoline Range Organics C6-C12	563	10.0	mg/kg dry	568	ND	99.1	75-125	0.356	20	
Diesel Range Organics >C12-C35	564	10.0	"	568	ND	99.3	75-125	0.890	20	
Total Hydrocarbon C6-C35	1130	10.0	"	1140	ND	99.1	75-125	0.889	20	
Surrogate: 1-Chlorooctane	53.7		mg/kg	50.0		107	70-130			
Surrogate: 1-Chlorooctadecane	52.5		"	50.0		105	70-130			

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Larson & Associates, Inc.  
P.O. Box 50685  
Midland TX, 79710

Project: Lynch, Chappell & Alsup, P.C./ Burlington  
Project Number: 3-0119  
Project Manager: Mark Larson

Fax: (432) 687-0456  
Reported:  
10/05/04 12:04

**Organics by GC - Quality Control**  
**Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC Limits	RPD	RPD Limit	Notes
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**Batch EJ40504 - EPA 5030C (GC)**

**Blank (EJ40504-BLK1)**

Prepared & Analyzed: 10/04/04

Benzene	ND	0.0250	mg/kg wet						
Toluene	ND	0.0250	"						
Ethylbenzene	ND	0.0250	"						
Xylene (p/m)	ND	0.0250	"						
Xylene (o)	ND	0.0250	"						
Surrogate: a,a,a-Trifluorotoluene	88.4		ug/kg	100		88.4	80-120		
Surrogate: 4-Bromofluorobenzene	120		"	100		120	80-120		

**LCS (EJ40504-BS1)**

Prepared & Analyzed: 10/04/04

Benzene	88.3		ug/kg	100		88.3	80-120		
Toluene	90.4		"	100		90.4	80-120		
Ethylbenzene	91.1		"	100		91.1	80-120		
Xylene (p/m)	204		"	200		102	80-120		
Xylene (o)	98.5		"	100		98.5	80-120		
Surrogate: a,a,a-Trifluorotoluene	102		"	100		102	80-120		
Surrogate: 4-Bromofluorobenzene	117		"	100		117	80-120		

**Calibration Check (EJ40504-CCV1)**

Prepared: 10/04/04 Analyzed: 10/05/04

Benzene	89.4		ug/kg	100		89.4	80-120		
Toluene	89.7		"	100		89.7	80-120		
Ethylbenzene	84.6		"	100		84.6	80-120		
Xylene (p/m)	181		"	200		90.5	80-120		
Xylene (o)	85.6		"	100		85.6	80-120		
Surrogate: a,a,a-Trifluorotoluene	104		"	100		104	80-120		
Surrogate: 4-Bromofluorobenzene	111		"	100		111	80-120		

**Matrix Spike (EJ40504-MS1)**

Source: 4J04001-02

Prepared: 10/04/04 Analyzed: 10/05/04

Benzene	87.3		ug/kg	100	ND	87.3	80-120		
Toluene	87.8		"	100	ND	87.8	80-120		
Ethylbenzene	85.8		"	100	ND	85.8	80-120		
Xylene (p/m)	191		"	200	ND	95.5	80-120		
Xylene (o)	90.2		"	100	ND	90.2	80-120		
Surrogate: a,a,a-Trifluorotoluene	101		"	100		101	80-120		
Surrogate: 4-Bromofluorobenzene	120		"	100		120	80-120		

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Larson & Associates, Inc.  
P.O. Box 50685  
Midland TX, 79710

Project: Lynch, Chappell & Alsup, P.C./ Burlingto  
Project Number: 3-0119  
Project Manager: Mark Larson

Fax: (432) 687-0456

Reported:  
10/05/04 12:04

**Organics by GC - Quality Control**  
**Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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**Batch EJ40504 - EPA 5030C (GC)**

**Matrix Spike Dup (EJ40504-MSD1)**

Source: 4J04001-02

Prepared: 10/04/04 Analyzed: 10/05/04

Benzene	89.9		ug/kg	100	ND	89.9	80-120	2.93	20	
Toluene	90.9		"	100	ND	90.9	80-120	3.47	20	
Ethylbenzene	86.8		"	100	ND	86.8	80-120	1.16	20	
Xylene (p/m)	194		"	200	ND	97.0	80-120	1.56	20	
Xylene (o)	90.7		"	100	ND	90.7	80-120	0.553	20	
Surrogate: <i>a,a,a</i> -Trifluorotoluene	108		"	100		108	80-120			
Surrogate: 4-Bromofluorobenzene	118		"	100		118	80-120			

Environmental Lab of Texas

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Larson & Associates, Inc.  
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Project: Lynch, Chappell & Alsup, P.C./Burlington  
Project Number: 3-0119  
Project Manager: Mark Larson

Fax: (432) 687-0456

Reported:  
10/05/04 12:04

**General Chemistry Parameters by EPA / Standard Methods - Quality Control**  
**Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC Limits	RPD	RPD Limit	Notes
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**Batch EI42904 - Water Extraction**

**Blank (EI42904-BLK1)**

Prepared & Analyzed: 10/04/04

Chloride ND 20.0 mg/kg Wet

**Matrix Spike (EI42904-MS1)**

Source: 4129004-01

Prepared: 09/29/04 Analyzed: 10/04/04

Chloride 510 20.0 mg/kg Wet 500 0.00 102 80-120

**Matrix Spike Dup (EI42904-MSD1)**

Source: 4129004-01

Prepared: 09/29/04 Analyzed: 10/04/04

Chloride 500 20.0 mg/kg Wet 500 0.00 100 80-120 1.98 20

**Reference (EI42904-SRM1)**

Prepared & Analyzed: 10/04/04

Chloride 4940 mg/kg 5000 98.8 80-120

**Batch EJ40406 - % Solids**

**Blank (EJ40406-BLK1)**

Prepared: 10/01/04 Analyzed: 10/04/04

% Solids 100 %

**Duplicate (EJ40406-DUP1)**

Source: 4J01001-01

Prepared: 10/01/04 Analyzed: 10/04/04

% Solids 90.0 % 90.0 0.00 20

**Batch EJ40411 - Water Extraction**

**Blank (EJ40411-BLK1)**

Prepared: 10/01/04 Analyzed: 10/04/04

Chloride ND 20.0 mg/kg Wet

**Matrix Spike (EJ40411-MS1)**

Source: 4J01005-04

Prepared: 10/01/04 Analyzed: 10/04/04

Chloride 1850 20.0 mg/kg Wet 500 1380 94.0 80-120

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Project: Lynch, Chappell & Atsup, P.C./Burlington  
Project Number: 3-0119  
Project Manager: Mark Larson

Fax: (432) 687-0456

Reported:  
10/05/04 12:04

**General Chemistry Parameters by EPA / Standard Methods - Quality Control**  
**Environmental Lab of Texas**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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**Batch EJ40411 - Water Extraction**

**Matrix Spike Dup (EJ40411-MSD1)**

Source: 4J01005-04

Prepared: 10/01/04

Analyzed: 10/04/04

Chloride	1830	20.0	mg/kg Wet	500	1380	90.0	80-120	1.09	20	
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**Reference (EJ40411-SRM1)**

Prepared & Analyzed: 10/04/04

Chloride	5000		mg/kg	5000		100	80-120			
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Environmental Lab of Texas

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Project Number: 3-0119  
Project Manager: Mark Larson

Fax: (432) 687-0456

Reported:  
10/05/04 12:04

### Notes and Definitions

S-06 The recovery of this surrogate is outside control limits due to sample dilution required from high analyte concentration and/or matrix interference's.

S-04 The surrogate recovery for this sample is outside of established control limits due to a sample matrix effect.

DET Analyte DETECTED

ND Analyte NOT DETECTED at or above the reporting limit

NR Not Reported

dry Sample results reported on a dry weight basis

RPD Relative Percent Difference

LCS Laboratory Control Spike

MS Matrix Spike

Dup Duplicate

Report Approved By:

Raland K. Tuttle

Date:

10-5-04

Raland K. Tuttle, Lab Manager  
Celey D. Keene, Lab Director, Org. Tech Director  
Peggy Allen, QA Officer

Jeanne Mc Murrey, Inorg. Tech Director  
James L. Hawkins, Chemist/Geologist  
Sandra Biezugbe, Lab Tech.

This material is intended only for the use of the individual (s) or entity to whom it is addressed, and may contain information that is privileged and confidential.

If you have received this material in error, please notify us immediately at 432-563-1800.

Environmental Lab. of Texas

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# Environmental Lab of Texas Variance / Corrective Action Report – Sample Log-In

Client: Larson + Associates

Date/Time: 10-01-04 @ 1230

Order #: 4501005

Initials: JMM

## Sample Receipt Checklist

Temperature of container/cooler?	<input checked="" type="checkbox"/> Yes	No	2.5 C
Shipping container/cooler in good condition?	<input checked="" type="checkbox"/> Yes	No	
Custody Seals intact on shipping container/cooler?	Yes	No	<u>Not present</u>
Custody Seals intact on sample bottles?	Yes	No	<u>Not present</u>
Chain of custody present?	<input checked="" type="checkbox"/> Yes	No	
Sample Instructions complete on Chain of Custody?	<input checked="" type="checkbox"/> Yes	No	
Chain of Custody signed when relinquished and received?	<input checked="" type="checkbox"/> Yes	No	
Chain of custody agrees with sample label(s)	Yes	No	NO LABELS - WRITTEN ON LID ALSO B4-1 26-27'
Container labels legible and intact?	Yes	No	NO LABELS - WRITTEN ON LID labeled B4-1 27-28
Sample Matrix and properties same as on chain of custody?	<input checked="" type="checkbox"/> Yes	No	
Samples in proper container/bottle?	<input checked="" type="checkbox"/> Yes	No	
Samples properly preserved?	<input checked="" type="checkbox"/> Yes	No	
Sample bottles intact?	<input checked="" type="checkbox"/> Yes	No	
Preservations documented on Chain of Custody?	<input checked="" type="checkbox"/> Yes	No	
Containers documented on Chain of Custody?	<input checked="" type="checkbox"/> Yes	No	
Sufficient sample amount for indicated test?	<input checked="" type="checkbox"/> Yes	No	
All samples received within sufficient hold time?	<input checked="" type="checkbox"/> Yes	No	
VOC samples have zero headspace?	<input checked="" type="checkbox"/> Yes	No	Not Applicable

Other observations:

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## Variance Documentation:

Contact Person: -Mark Larson Date/Time: 10-01-04 @ 1445 Contacted by: Jeanne M. Murren  
Regarding:

voc / labels discrepancy

Corrective Action Taken:

Client confirmed sample should be B4-1 26-27'  
as reflected on COC

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# CHAIN-OF-CUSTODY RECORD

CLIENT NAME: Lynch, Crappell + Alsop, P.C. SITE MANAGER: M. Larson  
 PROJECT NO.: 3-0119 PROJECT NAME: Burlington Res.

PAGE 2 OF 2 LAB. PO # \_\_\_\_\_

DATE	TIME	WATER	SOIL	OTHER	SAMPLE IDENTIFICATION
9/2/04	1602		X		BH-1, 26-27'
	1612				30-31'
	"				31-32.5'
	1625				35-36'
	"				36-37'
	1650				40-41'
	"				41-42'
	1707				45-46'
	"				46-47'
	"				47-48'

## PARAMETERS/METHOD NUMBER

NUMBER OF CONTAINERS	TPH (8015)	BTEX (80218)	Chloride
1	<	<	<
1	<	<	<
1	<	<	<
1	<	<	<
1	<	<	<
1	<	<	<
1	<	<	<
1	<	<	<
1	<	<	<
1	<	<	<

**Larson & Associates, Inc.**  
 Environmental Consultants  
 507 N. Marienfeld, Ste. 202 • Midland, TX 79701  
 Fax: 432-687-0456  
 432-687-0901

LAB. I.D. NUMBER (LAB USE ONLY)  
 4301005-19

REMARKS  
 (I.E. FILTERED, UNFILTERED, PRESERVED, UNPRESERVED, GRAB COMPOSITE)

SAMPLED BY: (Signature) [Signature] DATE: 9/2/04 TIME: 1707 RECEIVED BY: (Signature) [Signature] DATE: 9/2/04 TIME: 1700

RELINQUISHED BY: (Signature) [Signature] DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ RECEIVED BY: (Signature) \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

RECEIVING LABORATORY: ELI RECEIVED BY: (Signature) [Signature]  
 ADDRESS: 12200 W 120 E STATE: TX ZIP: 5  
 CITY: Odessa PHONE: 563-1800

LA CONTACT PERSON: Mark Larson SAMPLE TYPE: Soil

SAMPLE CONDITION WHEN RECEIVED: 2.5°C on ice 4oz glass

SAMPLE SHIPPED BY: (Circle)  
 FEDEX ☐ BUS ☐ UPS ☐ AIRBILL #:  
 HAND DELIVERED ☒ OTHER:

WHITE - RECEIVING LAB  
 YELLOW - RECEIVING LAB (TO BE RETURNED TO LA AFTER RECEIPT)  
 PINK - PROJECT MANAGER  
 GOLD - QA/QC COORDINATOR





Law Offices of *James P. Lyle, P.C.*



Nationally Certified  
Civil Trial Specialist

2009 FEB 24 PM 1 27

February 23, 2009

Carl J. Chavez, CHMM  
New Mexico Energy, Minerals & Natural Resources Dept.  
Oil Conservation Division, Environmental Bureau  
1220 South St. Francis Drive  
Santa Fe, NM 87505

RE: McNeill - Dauron #3 - Remediation of Slush Pit

Dear Mr. Chavez:

The McNeill Ranch has retained Hungry Horse LLC for the purpose of remediating the Dauron #3 slush pit located on Ranch property. Burlington Resources originally held the liability of the pit until Conoco/Phillips purchased it in a business transaction between the two companies. We requested that Burlington clean up the location several years ago. A law suit was filed around 1998 because of Burlington's disregard for resolving the situation. The Ranch now feels that it is in a position to be able to recuperate the cost of the clean-up due to changes that have been made to the State laws.

We resolve to clean the pit to no less than the required standards as outlined by the OCD guidelines. We will remove all chlorides in excess of 250 ppm, tph in excess of 100 ppm, and btex in excess of 50 ppm. The impacted material will be hauled to a permitted disposal facility and clean soil will be used to replace what was removed. We will monitor the process with continual sampling to verify that only the impacted materials are being removed and hauled to disposal. We have an excavation plan that has been approved by a licensed engineer in order to be compliant with OSHA requirements. We intend to be very transparent throughout the entire process and welcome any involvement from the OCD.

I understand that the OCD has some concerns that remediation of this site is subject to the lawsuit for damages the McNeill Ranch is pursuing against Burlington/Conoco. This is not correct. The suit is limited to a claim for monetary damages related to the cost of the cleanup. No injunctive relief is sought or can be granted. In other words, regardless of who wins the lawsuit, the only relief that can be awarded is money damages. We certainly hope that the award will be enough to cover the cleanup costs, but we have decided that we cannot wait to clean this site up any longer. I trust this addresses all of your concerns. Please contact me if you have any further questions.

Very truly yours,

LAW OFFICES OF JAMES P. LYLE, P.C.



James P. Lyle

JPL/jms

cc: William F. McNeill  
Hungry Horse Environmental

## Chavez, Carl J, EMNRD

---

**From:** Chavez, Carl J, EMNRD  
**Sent:** Monday, February 23, 2009 5:13 PM  
**To:** 'JAMES LYLE'  
**Cc:** Johnson, Larry, EMNRD  
**Subject:** RE: McNeill - Dauron #3 - Remediation of Slush Pit (1R-419-0)

Mr. Lyle:

Thank you for responding. I was able to view the unsigned letter in \*.pdf format.

The letter does not satisfy Mr. Mark Fesmire's (New Mexico Oil Conservation Division- NMOCD) request of 2/17/09 to Mr. Paige McNeil for a letter from his Attorney in the court case explaining why the NMOCD may approve corrective action as requested by Hungry Horse L.L.C. on behalf of Mr. Paige McNeil (landowner).

The NMOCD wants to be sure that there is or are no special requirement(s) by the court in the ongoing lawsuit that would require the NMOCD to request permission from the court to allow Mr. McNeil to proceed with corrective action on the pit. Mr. McNeil was made aware that he could assume some liability for the pit if he proceeds with the corrective action, and Mr. McNeil indicated that it was a risk he was willing to take during the meeting. The letter satisfying the above must be signed by the Attorney and sent via U.S. Mail to me for the NMOCD's Administrative Record and determination of how to proceed.

Please contact me if you have questions. Thank you.

Carl J. Chavez, CHMM  
New Mexico Energy, Minerals & Natural Resources Dept.  
Oil Conservation Division, Environmental Bureau  
1220 South St. Francis Dr., Santa Fe, New Mexico 87505  
Office: (505) 476-3490  
Fax: (505) 476-3462  
E-mail: [CarlJ.Chavez@state.nm.us](mailto:CarlJ.Chavez@state.nm.us)  
Website: <http://www.emnrd.state.nm.us/ocd/index.htm>  
(Pollution Prevention Guidance is under "Publications")

---

**From:** JAMES LYLE [mailto:[pennname@prodigy.net](mailto:pennname@prodigy.net)]  
**Sent:** Monday, February 23, 2009 4:51 PM  
**To:** Chavez, Carl J, EMNRD  
**Subject:** RE: McNeill - Dauron #3 - Remediation of Slush Pit

We do not have Word - I have converted to pdf and hopefully it can be opened and printed in that format. If not, a hard copy is following by first class mail.

James Lyle, Esq.

--- On Mon, 2/23/09, Chavez, Carl J, EMNRD <[CarlJ.Chavez@state.nm.us](mailto:CarlJ.Chavez@state.nm.us)> wrote:

From: Chavez, Carl J, EMNRD <[CarlJ.Chavez@state.nm.us](mailto:CarlJ.Chavez@state.nm.us)>  
Subject: RE: McNeill - Dauron #3 - Remediation of Slush Pit  
To: "JAMES LYLE" <[pennname@prodigy.net](mailto:pennname@prodigy.net)>  
Date: Monday, February 23, 2009, 4:38 PM

Mr. Lyle:

Good afternoon. The NMOCD does not have Word Perfect Software; therefore, the attached document to e-mail message below could not be opened. Could you please convert the attached \*.wpd document into a word document and resend it to me? Thank you in advance.

Carl J. Chavez, CHMM

New Mexico Energy, Minerals & Natural Resources Dept.

Oil Conservation Division, Environmental Bureau

1220 South St. Francis Dr., Santa Fe, New Mexico 87505

Office: (505) 476-3490

Fax: (505) 476-3462

E-mail: [CarlJ.Chavez@state.nm.us](mailto:CarlJ.Chavez@state.nm.us)

Website: <http://www.emnrd.state.nm.us/ocd/index.htm>

(Pollution Prevention Guidance is under "Publications")

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**From:** JAMES LYLE [<mailto:pennname@prodigy.net>]  
**Sent:** Monday, February 23, 2009 4:34 PM  
**To:** Chavez, Carl J, EMNRD  
**Subject:** McNeill - Dauron #3 - Remediation of Slush Pit

Please find attached the letter requested regarding the pending case and the cleanup of the Dauron #3 slush pit. Please contact me if you have questions or need anything further. Thank you for your assistance.

James P. Lyle, Esq.

Law Offices of James P. Lyle, P.C.

1116 Second Street, N.W.

Albuquerque, NM 87102

(505) 843-8000 - Telephone

---

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February 23, 2009

Carl J. Chavez, CHMM  
New Mexico Energy, Minerals & Natural Resources Dept.  
Oil Conservation Division, Environmental Bureau  
1220 South St. Francis Drive  
Santa Fe, NM 87505

RE: McNeill - Dauron #3 - Remediation of Slush Pit

Dear Mr. Chavez:

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Very truly yours,

LAW OFFICES OF JAMES P. LYLE, P.C.

---

James P. Lyle

JPL/jms

cc: William F. McNeill  
Hungry Horse Environmental

---

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## Chavez, Carl J, EMNRD

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**Sent:** Monday, February 23, 2009 4:51 PM  
**To:** Chavez, Carl J, EMNRD  
**Subject:** RE: McNeill - Dauron #3 - Remediation of Slush Pit  
**Attachments:** Lt OCD 02-20-09.pdf

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James Lyle, Esq.

--- On **Mon, 2/23/09, Chavez, Carl J, EMNRD** <CarlJ.Chavez@state.nm.us> wrote:

From: Chavez, Carl J, EMNRD <CarlJ.Chavez@state.nm.us>  
Subject: RE: McNeill - Dauron #3 - Remediation of Slush Pit  
To: "JAMES LYLE" <pennname@prodigy.net>  
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Carl J. Chavez, CHMM

New Mexico Energy, Minerals & Natural Resources Dept.

Oil Conservation Division, Environmental Bureau

1220 South St. Francis Dr., Santa Fe, New Mexico 87505

Office: (505) 476-3490

Fax: (505) 476-3462

E-mail: [CarlJ.Chavez@state.nm.us](mailto:CarlJ.Chavez@state.nm.us)

Website: <http://www.emnrd.state.nm.us/oecd/index.htm>

(Pollution Prevention Guidance is under "Publications")

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**Sent:** Monday, February 23, 2009 4:34 PM  
**To:** Chavez, Carl J, EMNRD



**Subject:** McNeill - Dauron #3 - Remediation of Slush Pit

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James P. Lyle, Esq.

Law Offices of James P. Lyle, P.C.

1116 Second Street, N.W.

Albuquerque, NM 87102

(505) 843-8000 - Telephone

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## Chavez, Carl J, EMNRD

---

**From:** Vernon Black [vk.black@hungryhorseenvironmentalservices.com]  
**Sent:** Tuesday, February 17, 2009 11:16 AM  
**To:** tom.r.wynn@conocophillips.com  
**Cc:** Johnson, Larry, EMNRD; Chavez, Carl J, EMNRD; pennname@prodigy.net  
**Subject:** Emailing: Letter to Mr. Wynn with ConocoPhillips  
**Attachments:** Letter to Mr. Wynn with ConocoPhillips.pdf

Mr. Wynn,

Please see the attached letter as it pertains to NM OCD Case #RP-419-0.

Thanks,  
Vernon K. Black  
H.S.E.  
Hungry Horse Environmental Services  
Hobbs, NM  
575 393 3386 office  
575 631 2253 cell

---

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HUNGRY HORSE, LLC  
ENVIRONMENTAL SERVICES

---

Dirt Work      \*      On-Site Remediation      \*      Soil Testing      \*      Excavation

17Feb09

To: Mr. Thomas R. Wynn  
Site Manager, RM&R  
ConocoPhillips  
Reference: OCD Case RP-0419

Dear Mr. Wynn,

It has come to my attention that a claim has been made to Mr. Larry Johnson, NM OCD Dist 1, by ConocoPhillips that Hungry Horse Environmental Services may be presenting ourselves as acting on behalf of ConocoPhillips in the above referenced case by submitting documentation (C 144/C 141) and e-mail communications to NM OCD. This is in no way correct nor is it our intention to present ourselves as acting on behalf of ConocoPhillips. Hungry Horse Environmental Services has been retained by and takes direction from the McNeill Ranch in this case.

Sincerely,  
Vernon K. Black



HSE  
Hungry Horse Environmental Services

## Chavez, Carl J, EMNRD

---

**From:** Chavez, Carl J, EMNRD  
**Sent:** Tuesday, February 17, 2009 8:44 AM  
**To:** Johnson, Larry, EMNRD  
**Cc:** Swazo, Sonny, EMNRD; VonGonten, Glenn, EMNRD  
**Subject:** RE: Former Burlington Resources Pit: McNeill Property, OCD 1R 419-0  
**Attachments:** 1RP-419-0 2-13-09.pdf

Larry:

Thanks for the communiqué. One of the chief concerns that I have about the C-141 by Hungry Horse Environmental (HHE) is the potential for exacerbation of a potential pre-existing contamination condition at the pit that may make the problem worse if HHE disturbs the pit area. While the OCD does not get involved with 3<sup>rd</sup> party lawsuits, the OCD may want to mention to HHE that they could be subject to becoming a responsible party if they exacerbate the existing contamination condition at the site. If they are proposing to remove all of the pit contents and underlying contaminated sediment, this may not be a concern, but if they disturb the pit and causes the problem to become worse, then HHE could be subject to liability.

My recommendation is that you talk with HHE about the exacerbation issue. It appears that ConocoPhillips will be working with the NMOCD to address contamination at the site from the letter (see attachment). I recommend that you have ConocoPhillips contact Glenn von Gonten for a path forward on this active file, since there is ground water chloride contamination and some time has passed (~10 yrs.) without resolution of the ground water issue. While some pit work was conducted in 1992, the file does not reflect that the actions were approved by the OCD.

Thank you.

Carl J. Chavez, CHMM  
New Mexico Energy, Minerals & Natural Resources Dept.  
Oil Conservation Division, Environmental Bureau  
1220 South St. Francis Dr., Santa Fe, New Mexico 87505  
Office: (505) 476-3490  
Fax: (505) 476-3462  
E-mail: [CarlJ.Chavez@state.nm.us](mailto:CarlJ.Chavez@state.nm.us)  
Website: <http://www.emnrd.state.nm.us/oed/index.htm>  
(Pollution Prevention Guidance is under "Publications")

---

**From:** Johnson, Larry, EMNRD  
**Sent:** Monday, February 16, 2009 5:42 PM  
**To:** Chavez, Carl J, EMNRD  
**Subject:** FW: Former Burlington Resources Pit: McNeill Property, OCD 1R 0419

---

**From:** Wynn, Tom R [<mailto:Tom.R.Wynn@conocophillips.com>]  
**Sent:** Friday, February 13, 2009 3:48 PM  
**To:** Johnson, Larry, EMNRD; Statham, Scott (LDZX)  
**Subject:** Former Burlington Resources Pit: McNeill Property, OCD 1R 0419

Mr. Johnson:

ConocoPhillips is submitting a letter electronically regarding the subject project. A hard copy original will follow next week.

Thanks,  
Tom Wynn

<<20090213164322\_001.PDF>>

Thomas (Tom) Wynn  
ConocoPhillips  
Site Manager  
HSE  
1354 Phillips Building  
420 S. Keeler  
Bartlesville, OK 74074  
Voice: 918-661-0310  
Fax: 918-662-4192  
Cell: 918-876-2337  
E-mail: [tom.r.wynn@conocophillips.com](mailto:tom.r.wynn@conocophillips.com)

---

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## Chavez, Carl J, EMNRD

---

**From:** Johnson, Larry, EMNRD  
**Sent:** Monday, February 16, 2009 5:42 PM  
**To:** Chavez, Carl J, EMNRD  
**Subject:** FW: Former Burlington Resources Pit: McNeill Property, OCD 1R 0419  
**Attachments:** 20090213164322\_001.PDF

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**From:** Wynn, Tom R [mailto:Tom.R.Wynn@conocophillips.com]  
**Sent:** Friday, February 13, 2009 3:48 PM  
**To:** Johnson, Larry, EMNRD; Statham, Scott (LDZX)  
**Subject:** Former Burlington Resources Pit: McNeill Property, OCD 1R 0419

Mr. Johnson:

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Thanks,  
Tom Wynn

<<20090213164322\_001.PDF>>

Thomas (Tom) Wynn  
ConocoPhillips  
Site Manager  
HSE  
1354 Phillips Building  
420 S. Keeler  
Bartlesville, OK 74074  
Voice: 918-661-0310  
Fax: 918-662-4192  
Cell: 918-876-2337  
E-mail: [tom.r.wynn@conocophillips.com](mailto:tom.r.wynn@conocophillips.com)

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---



Thomas R. Wynn.  
Site Manager, RM&R  
ConocoPhillips Company  
1354 PB  
Bartlesville, OK 74004  
phone 918.661.0310  
tom.r.wynn@conocophillips.com

February 13, 2009

Larry Johnson  
Environmental Engineer Specialist  
New Mexico Oil Conservation Division  
1625 N. French Drive  
Hobbs, NM 88240

**Re: Former Burling Resources Pit: William F. McNeill Property, Lea County New Mexico OCD Case # 1R 0419**

Dear Mr. Johnson:

ConocoPhillips is submitting this letter to inform the NMOCD of the status of the subject project. The reason for the submission of this letter is due to ConocoPhillips' concern that Hungry Horse Environmental has submitted C-144 and C-141 forms and subsequent email communications with the NMOCD that would suggest that Hungry Horse is acting on ConocoPhillips' behalf. ConocoPhillips has not directed Hungry Horse Environmental to complete any remedial activities on our behalf, nor is Hungry Horse Environmental under any contract with ConocoPhillips. The subject project is currently under litigation between ConocoPhillips and Mr. McNeill et. al., and a settlement agreement has not been reached between parties involved.

ConocoPhillips owns and operates many oil and gas facilities throughout New Mexico and has maintained a good relationship with the NMOCD. The relationship has been built over many years through open communication and working together to resolve environmental issues. It is the expectation of ConocoPhillips and all contractors performing work for ConocoPhillips to conduct its business in the most professional and ethical manner. There will be no exception with resolving the problems associated with the subject project.

Should you have any questions or require additional information please contact me at the number listed above.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas R. Wynn", written over a horizontal line.

Thomas R. Wynn  
Site Manager

## Chavez, Carl J, EMNRD

---

**From:** Chavez, Carl J, EMNRD  
**Sent:** Friday, February 13, 2009 9:40 AM  
**To:** 'Vernon Black'  
**Cc:** Johnson, Larry, EMNRD  
**Subject:** RE: Case RP-419-0

Vernon:

I notice in the file that the last analytical data for the Barney Water Well was around 2003. In a more recent e-mail msg. you refer to a 1,100 mg/L chloride level. Could you please send me the most recent water quality data from the area?

Thank you.

Carl J. Chavez, CHMM  
New Mexico Energy, Minerals & Natural Resources Dept.  
Oil Conservation Division, Environmental Bureau  
1220 South St. Francis Dr., Santa Fe, New Mexico 87505  
Office: (505) 476-3490  
Fax: (505) 476-3462  
E-mail: [CarlJ.Chavez@state.nm.us](mailto:CarlJ.Chavez@state.nm.us)  
Website: <http://www.emnrd.state.nm.us/ocd/index.htm>  
(Pollution Prevention Guidance is under "Publications")

---

**From:** Vernon Black [mailto:vk.black@hungryhorseenvironmentalservices.com]  
**Sent:** Monday, February 09, 2009 12:26 PM  
**To:** Chavez, Carl J, EMNRD  
**Subject:** RE: Case RP-419-0

Mr. Chavez, I re-read your message below and there are two things I over looked that should probably be clarified for reference. One is that this court case is still pending and has not ended and the other is that Hungry Horse Environmental Services has been retained by McNeill Ranch for this remediation and not retained by ConocoPhillips.

I apologize if I got this wrong or mis-communicated it during our phone conversation.

Thanks again for your help,  
Vernon K. Black  
H.S.E.  
Hungry Horse Environmental Services  
Hobbs, NM  
575 393 3386 office  
575 631 2253 cell

---

**From:** Chavez, Carl J, EMNRD [mailto:CarlJ.Chavez@state.nm.us]  
**Sent:** Monday, February 09, 2009 9:54 AM  
**To:** Vernon Black  
**Cc:** Johnson, Larry, EMNRD  
**Subject:** RE: Case RP-419-0

Mr. Black



Good morning. Hungry Horse Environmental Services has been retained by ConocoPhillips to address chloride contamination and other residual organic contamination in the Ogallala Fm. (SWL~ 43 ft. bgl). The pit (suspected source of contamination) was apparently closed in place and has been for the last 10 yrs.

OCD Santa Fe agrees with Larry Johnson (OCD District 1) handing the cleanup at the source with a process that includes OCD Forms C-141..... You indicated that the source removal could be as deep as 40 ft. bgl. You indicated that a court case has recently ended on the facility. The McNeil water wells that provide water for cattle and agricultural purposes were impacted and that 3 MWs were installed and are being monitored.

Per Wayne Price's letter dated October 12, 2004, the OCD had requested closure information by December 1, 2004. This information was apparently not received by the OCD. Therefore, the OCD requests closure information within 90 days of receipt of this e-mail as part of corrective action being proposed at the source. The OCD requests the monitoring information from the wells and any new information collected at the facility, since November 30, 2004 to update the case file on the Internet.

Thank you.

Carl J. Chavez, CHMM  
New Mexico Energy, Minerals & Natural Resources Dept.  
Oil Conservation Division, Environmental Bureau  
1220 South St. Francis Dr., Santa Fe, New Mexico 87505  
Office: (505) 476-3491  
Fax: (505) 476-3462  
E-mail: [CarlJ.Chavez@state.nm.us](mailto:CarlJ.Chavez@state.nm.us)  
Website: <http://www.emnrd.state.nm.us/ocd/index.htm>  
(Pollution Prevention Guidance is under "Publications")

---

**From:** Vernon Black [mailto:vk.black@hungryhorseenvironmentalservices.com]  
**Sent:** Monday, February 09, 2009 6:58 AM  
**To:** Chavez, Carl J, EMNRD  
**Subject:** Case RP-419-0

Mr. Chavez,  
I've been trying to contact you the past few days concerning the above case number. I visited with Larry Johnson here in the Hobbs OCD office and he said that I would have to contact you for disposition. To make a long story short, the above issue has been in litigation for approximately 10 years and has finally been settled. It's a case of antiquated evaporation pond that caused contamination of the ground and ground water. Our primary concern is remediation of the source and our company, Hungry Horse Environmental Services, will be conducting the remediation of the area. Larry Johnson said that since this has already had a case number assigned it would fall under Santa Fe's jurisdiction. He said, with your approval, he would handle the cleanup of the source, which is where I'm at now. Can you please contact me at your earliest convenience to discuss this matter.

Thanks in advance for you help,  
Vernon K. Black  
H.S.E.  
Hungry Horse Environmental Services  
Hobbs, NM  
575 393 3386 office  
575 631 2253 cell

---

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## **Chavez, Carl J, EMNRD**

---

**From:** Johnson, Larry, EMNRD  
**Sent:** Thursday, February 12, 2009 4:01 PM  
**To:** Chavez, Carl J, EMNRD; Hill, Larry, EMNRD  
**Subject:** Dauron Lse - ConocoPhillips

Vernon Black was notified via phone @ 3:35 pm that approval has been rescinded until some of the information can be reviewed. Page McNeil (landowner) called and stated that the ranch was going to pay for the cleanup. I advised him to not start any action until the lease holder was involved and everyone was notified and he agreed. He understands that OCD approval has been withdrawn pending further clarification.

## **Chavez, Carl J, EMNRD**

---

**From:** Johnson, Larry, EMNRD  
**Sent:** Thursday, February 12, 2009 3:31 PM  
**To:** Chavez, Carl J, EMNRD; Hansen, Edward J., EMNRD  
**Subject:** IMPORTANT!!

Carl,

I just received input regarding the Hungry Horse Burlington/ConocoPhillips McNeil Dauron #3 A 10 21S 37E pit closure. According to ConocoPhillips, the court case has NOT been finalized and is on the docket for August 2009 (was initially set for May). This does not agree with what was submitted to OCD. I am going to call Vernon Black and rescind my approval until this is cleared. Your thoughts? I tried to call you several times, but it would not go through.

Larry

## Chavez, Carl J, EMNRD

---

**From:** Vernon Black [vk.black@hungryhorseenvironmentalservices.com]  
**Sent:** Monday, February 09, 2009 12:26 PM  
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Thanks again for your help,  
Vernon K. Black  
H.S.E.  
Hungry Horse Environmental Services  
Hobbs, NM  
575 393 3386 office  
575 631 2253 cell

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**To:** Vernon Black  
**Cc:** Johnson, Larry, EMNRD  
**Subject:** RE: Case RP-419-0

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Thank you.

Carl J. Chavez, CHMM  
New Mexico Energy, Minerals & Natural Resources Dept.  
Oil Conservation Division, Environmental Bureau  
1220 South St. Francis Dr., Santa Fe, New Mexico 87505  
Office: (505) 476-3491  
Fax: (505) 476-3462  
E-mail: [CarlJ.Chavez@state.nm.us](mailto:CarlJ.Chavez@state.nm.us)  
Website: <http://www.emnrd.state.nm.us/ocd/index.htm>  
(Pollution Prevention Guidance is under "Publications")

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**From:** Vernon Black [mailto:vk.black@hungryhorseenvironmentalservices.com]  
**Sent:** Monday, February 09, 2009 6:58 AM  
**To:** Chavez, Carl J, EMNRD  
**Subject:** Case RP-419-0

Mr. Chavez,

I've been trying to contact you the past few days concerning the above case number. I visited with Larry Johnson here in the Hobbs OCD office and he said that I would have to contact you for disposition. To make a long story short, the above issue has been in litigation for approximately 10 years and has finally been settled. It's a case of antiquated evaporation pond that caused contamination of the ground and ground water. Our primary concern is remediation of the source and our company, Hungry Horse Environmental Services, will be conducting the remediation of the area. Larry Johnson said that since this has already had a case number assigned it would fall under Santa Fe's jurisdiction. He said, with your approval, he would handle the cleanup of the source, which is where I'm at now. Can you please contact me at your earliest convenience to discuss this matter.

Thanks in advance for you help,  
Vernon K. Black  
H.S.E.  
Hungry Horse Environmental Services  
Hobbs, NM  
575 393 3386 office  
575 631 2253 cell

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## **Chavez, Carl J, EMNRD**

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**From:** Chavez, Carl J, EMNRD  
**Sent:** Monday, February 09, 2009 9:54 AM  
**To:** 'Vernon Black'  
**Cc:** Johnson, Larry, EMNRD  
**Subject:** RE: Case RP-419-0

Mr. Black

Good morning. Hungry Horse Environmental Services has been retained by ConocoPhillips to address chloride contamination and other residual organic contamination in the Ogallala Fm. (SWL~ 43 ft. bgl). The pit (suspected source of contamination) was apparently closed in place and has been for the last 10 yrs.

OCD Santa Fe agrees with Larry Johnson (OCD District 1) handing the cleanup at the source with a process that includes OCD Forms C-141..... You indicated that the source removal could be as deep as 40 ft. bgl. You indicated that a court case has recently ended on the facility. The McNeil water wells that provide water for cattle and agricultural purposes were impacted and that 3 MWs were installed and are being monitored.

Per Wayne Price's letter dated October 12, 2004, the OCD had requested closure information by December 1, 2004. This information was apparently not received by the OCD. Therefore, the OCD requests closure information within 90 days of receipt of this e-mail as part of corrective action being proposed at the source. The OCD requests the monitoring information from the wells and any new information collected at the facility, since November 30, 2004 to update the case file on the Internet.

Thank you.

Carl J. Chavez, CHMM  
New Mexico Energy, Minerals & Natural Resources Dept.  
Oil Conservation Division, Environmental Bureau  
1220 South St. Francis Dr., Santa Fe, New Mexico 87505  
Office: (505) 476-3491  
Fax: (505) 476-3462  
E-mail: [CarlJ.Chavez@state.nm.us](mailto:CarlJ.Chavez@state.nm.us)  
Website: <http://www.emnrd.state.nm.us/ocd/index.htm>  
(Pollution Prevention Guidance is under "Publications")

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