1R- 457

GENERAL CORRESPONDENCE

YEAR(S): 2005 - 2006

CEIVE

F.L. HEIDEL

+1913-1985)

AUG 2

LAW OFFICES

Oil Conservation Division HEIDEL, SAMBERSON, NEWELL, COX & McM2419ON Francis Drive Santa Fe, NM 8750

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C. GENE SAMBERSON MICHAEL T. NEWELL LEWIS C. COX, III <u>PATRICK B. McMAHON</u> MATTHEW T. TUCKER 311 NORTH FIRST STREET POST OFFICE DRAWER 1599 LOVINGTON, NM 88260 TELEPHONE (505) 396-5303 FAX (505) 396-5305

August 25, 2006

Jeffrey P.Dann, P.G. Senior Environmental Specialist 333 Clay Street, Suite 1600 Houston, TX 77002

Re: Plains Marketing

Dear Mr. Dann,

On August 16, 2006 you emailed me regarding the City's approval of Plains' "Site Investigation and Soil Remediation Work Plan". (A copy of your email is attached) I contacted the City's environmental consultant and he said that he did not object to the Site Investigation and Work Plan. Hence my email response to you of August 17, 2006. However, on August 23, 2006 Ms. Reynolds delivered to my office a **Revised** Site Investigation and Remediation Plan with cover letter to Mr. Ben Stone, OCD. (A copy of the cover letter is attached)

The City's environmental consultant has not reviewed the Revised Plan. Accordingly, I must revoke my August 17, 2006 email to you and reserve the right on behalf of the City to object to the Revised Plan. I apologize for any confusion.

I have forwarded the Revised Plan to the consultant for his review and am awaiting his reply.

Sincerely,

By:

HEIDEL, SAMBERSON, NEWELL, COX & MCMAHON

Patrick B. McMahon

Letter to Jeffrey Dann Re: Plains Marketing August 25, 2006 Page two.

PBM:jo Enclosures pc: Ben Stone Pat Wise Eddie Seay



August 23, 2006

Mr. Ben Stone New Mexico Oil Conservation Division Environmental Bureau 1220 South St. Francis Drive Santa Fe, New Mexico 87505

Re: Plains Marketing, L. P. Preliminary Site Investigation Report and Remediation Plan (Revised) Frisco-Skelly # 1 Unit Letter P of Section 36, Township 16 South, Range 36 East Lea County, New Mexico

Dear Mr. Stone:

Please find attached the finalized version of the Preliminary Site Investigation Report and Remediation Plan (Revised), dated May 16, 2006, for the Frisco-Skelly #1 release site located in Section 36 of Township 16 South, and Range 36 East of Lea County, New Mexico. A draft copy of this plan was electronically submitted to your office and verbally approved by Mr. Ed Martin who forwarded the draft plan to Mr. Patrick McMahon. Mr. McMahon approved the plan on August 17, 2006 (see attached email).

Should you have any questions or comments, please contact me at (505) 441-0965.

Sincerely,

amille Kaynolds

Camille Reynolds Remediation Coordinator Plains All American Pipeline

CC: Mr. Patrick McMahon, 311 N. First, Lovington, NM City of Lovington, 214 S. Love, Lovington, NM Mr. Larry Johnson, NMOCD Hobbs Office

Enclosure

IR0457

kdutton@basinenv.com

Read Message - Inbox

AUG 28 2006

From :	Camille J Reynolds <cjreynolds@paalp.com></cjreynolds@paalp.com>		Oil Conservation Division 1220 S. St. Francis Drive
То :	Ken Dutton (E-mail) <kdutton@basinenv.com></kdutton@basinenv.com>	2 19 19 10 10 10 10 10 10 10	Santa Fe, NM 87505
Sent :	22 Aug '06 08:41	a a col 1:	
Subject :	FW: Plains - Frisco-Skelly site		
Reply	Reply All Forward Forward as Attachment	X Delete	🛞 Print View 🗇 Show Headers 👘 Put

-----Original Message-----From: Jeffrey P Dann Sent: Thursday, August 17, 2006 11:16 AM To: 'Patrick B. McMahon' Cc: Douglas S Kennedy; Camille J Reynolds Subject: RE: Plains - Frisco-Skelly site

Patrick

Thanks for your quick response. I will have Camille Reynolds get with our contractor and schedule the work. I will have Camille keep you informed of the start date.

thanks Jeff Dann

-----Original Message-----From: Patrick B. McMahon [mailto:hsncpbm@leaco.net] Sent: Thursday, August 17, 2006 11:10 AM To: Jeffrey P Dann Cc: Price, Wayne, EMNRD Subject: Re: Plains - Frisco-Skelly site

Jeffrey,

After talking to the environmental consultant, the City does not object to Plains' Site Investigation and Soil Remediation Work Plan.

Patrick

----- Original Message -----From: "Jeffrey P Dann" <jpdann@paalp.com> To: <hsncpbm@leaco.net> Cc: "Camille J Reynolds" <cjreynolds@pa@p.com>; "Douglas S Kennedy" <dskennedy@paalp.com> Sent: Wednesday, August 16, 2006 10:45 AM Subject: Plains - Frisco-Skelly site

http://webmail.server299.com/readmessage.php?msg=531&folder=Inbox

8/22/2006

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> Patrick:			
> > We need to get an update on where the City of Lovington is on their review > of the Site Investigation and Soil Remediation Work Plan submitted by > Plains			
 > for the Frisco-Skelly site located near the water well field south of > Lovington. We are ready to implement: the plan that the OCD has approved. 			
> Please let me know.			
> > Jeffrey P. Dann, P.G.			
> Senior Environmental Specialist > Plains All American			
> (713) 646-4657 (o) > (713) 646-4199 (f)	:	• •	
> (713) 201-3548 (c)		2	
> email: jpdann@paalp.com >	;		
> > ###################################	**	; ;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;	ŧ
> Attention: > The information contained in this message and/or attachments is intended			
 > only for the person or entity to which it is addressed and may contain > confidential and/or privileged material. If you received this in error, 			
> please contact the Plains Service Desk at 713-646-4444 and delete the			
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only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you received this in error,			
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http://webmail.server299.com/readmessage.php?msg=531&folder=Inbox



February 6, 2006

Heid 311	Patrick McMahon el, Samberson, Newell, Cox and McMahon Law Firm North First ngton, NM 88260	2006 FEB
Re:	Plains Marketing	
	Preliminary Site Investigation Report and Delineation Plan	13
	Frisco Skelly #1 Release Site	
	Unit P of Section 36, T16S, R36E	PM
	Lea County, New Mexico	 
		00

Dear Mr. McMahon:

Please find attached two copies of the Preliminary Site Investigation Report and Delineation Plan for the Frisco Skelly #1 release site for Mr. Wise and yourself. The Preliminary Site Investigation Report and Delineation Plan, dated February 2, 2006, for the Frisco Skelly #1 release site located in Unit P of Section 36 of Township 16 South, and Range 36 East of Lea County, New Mexico, describes the proposed delineation activities to be conducted at the site. Plains will implement the described delineation activities upon your approval. A copy of this report was also submitted to Mr. Ed Martin, New Mexico Oil Conservation Division, Santa Fe, New Mexico Office.

Should you have any questions or comments concerning this information, please contact me at (505) 441-0965.

Sincerely,

Lamille Reynolds

Camille Reynolds Remediation Coordinator Plains Marketing

CC: Ed Martin, NMOCD, Santa Fe, New Mexico

Enclosure

Ed Martin 1220 S. St. Francis Santa Fe, NM 87505 New Mexico Oil Conservation Division



1

To:	File Number 1R0457
From:	Ed Martin
CC:	
Date:	1/27/2006
Re:	Plains Frisco Skelly Site

On Thursday, January 26, 2006, a meeting was held in the law offices of Heidel, Samberson, Cox, Newell and McMahon. Patrick McMahon represented the City of Lovington in the meeting. Plains personnel present were Camille Reynolds, Jeff Dann, and Mike Kelly. I was present representing OCD and Eddie Seay was present, presumably as a technical adviser to Mr. McMahon.

Meeting

The city's position at this time is that not enough information has been provided to them by Plains to make an educated assessment of the conditions at the site. It was suggested, and accepted by Plains, that Plains would prepare a "delineation proposal" to the city which would describe specific actions that would be taken by Plains to properly delineate the contamination at the site. This report should be ready for presentation to the city in approximately 2 weeks (on or about February 10, 2006). After that presentation, the city would make a decision as to what type of remediation plan would be acceptable.

From:Fesmire, Mark, EMNRDSent:Wednesday, January 18, 2006 7:25 AMTo:Martin, Ed, EMNRDSubject:Re: Plains Pipeline Frisco Skelly Site

Ed

The meeting path sounds reasonabe. If they can't agree, we Probably meed. To turn it down and go to thr Commission.

Mark Sent from my BlackBerry Wireless Handheld

Sent from my BlackBerry Device

----Original Message----From: Martin, Ed, EMNRD <ed.martin@state.nm.us> To: Fesmire, Mark, EMNRD <mark.fesmire@state.nm.us> Sent: Wed Jan 18 07:18:24 2006 Subject: RE: Plains Pipeline Frisco Skelly Site

Plains has proposed a partial removal of source contamination (hydrocarbons) and then the installation of a liner at depth to prevent further migration. Then Plains would backfill to the surface.

The city appears to be adamant about complete source removal. Because of the depth of the contamination, this would require a huge excavation, both horizontally and vertically. Additionally, this would require the removal, or re-location of several pipelines in the vicinity. The attorneys for the city have invoked their right to determine what course of action is acceptable since they are the surface owners. Their contention is that Plains only has the rights specified in their easement granted for the pipeline. This does not include surface claims.

Currently, this is a no-win (or "slow-win") situation for all involved. If OCD approves what I believe to be a reasonable solution, the city will not let Plains onto the site to do the work. If OCD approves a complete source removal scenario, Plains will protest and bring the question before the commission. Either course of action will only delay the cleanup which may further endanger or contaminate the groundwater.

I advised Plains to try and meet with the city to work out their differences. I would like to attend such a meeting, strictly as an observer and not on anybody's side, to put forth the argument that time is of the essence and if the dispute could be resolved, everyone would benefit.

Ed

-----Original Message-----From: Fesmire, Mark, EMNRD Sent: Wednesday, January 18, 2006 6:58 AM To: Martin, Ed, EMNRD Subject: Re: Plains Pipeline Frisco Skelly Site

Ed

What are they wanting to do?

Mark

Sent from my BlackBerry Wireless Handheld

#### LAW OFFICES

#### HEIDEL, SAMBERSON, NEWELL, COX & McMAHON

C. GENE SAMBERSON MICHAEL T. NEWELL LEWIS C. COX, III PATRICK B. McMAHON

**311 NORTH FIRST STREET** POST OFFICE DRAWER 1599 LOVINGTON, NM 88260 TELEPHONE (505) 396-5303 FAX (505) 396-5305

F.L. HEIDEL

(1913-1985)

JAN y Zurg

Oil Conservation Studieton

1 Delve

Santa Fe Min 178.

1220 S. St. Fr.

January 6, 2006

NMOCD Ed Martin 1220 South St. Francis Drive Santa Fe, NM 87505

#### Re: Plains All American-Frisco Skelly #1 Site Unit letter P, Section 36, T 16 S, R36E, N.M.P.M., Lea County, New Mexico EMS No.: 2004-00196

Dear Mr. Martin

As per our telephone conversation, I am writing this letter to confirm the City of Lovington's position on the remediation of the above referenced site. Of the three options offered by Plains, the City would like Plains to dig and haul all of their contaminants from the site. The City has based its choice on the following:

- 1. Plains does not have the right to leave contaminants in place. The only rights enjoyed by Plains are those specifically identified in the easement granted for the pipeline at issue. Plains has no claim to reasonable use of the surface estate. The easement covering the pipeline at issue does not give Plains the right to leave contaminants in the right of way or on City property.
- Under the risk assessment submitted by Plains, the City, not Plains, bears the risk 2. of leaving the contaminants in place. Namely, contamination of the aquifer used by the City to supply potable drinking water to the town of Lovington.
- 3. Lastly, it is the City's position that the site at issue has not been properly delineated and therefore any decision on remediation would be premature.

Letter to NMOCD, Ed Martin Plains All American-Frisco Skelly #1 Site January 6, 2006 Page two.

The City of Lovington does not consent to any remediation plan(s) for this site that does not require the complete removal of all contaminants.

Sincerely,

Heidel, Samberson, Newell, Cox & McMahon

By:

Patrick B. McMahon

PBM:jo pc: Pat Wise, City Manager

To: Patrick McMahon

Subject: RE: Plains/City of Lovington

OK. Yes, you and the city have time to review the plan. Do you have everything you need?

Ed

From: Patrick McMahon [mailto:hsncpbm@leaco.net] Sent: Tuesday, October 25, 2005 4:14 PM To: Martin, Ed, EMNRD Subject: Re: Plains/City of Lovington

Ed, Sorry. I was refering to the Frisco Skelly #1. Patrick

1R-457

----- Original Message -----From: <u>Martin, Ed, EMNRD</u> To: <u>Patrick McMahon</u> Sent: Monday, October 24, 2005 3:36 PM Subject: RE: Plains/City of Lovington

Are you talking about the site known as "Frisco Skelly #1"?

Ed

From: Patrick McMahon [mailto:hsncpbm@leaco.net]
Sent: Monday, October 24, 2005 1:24 PM
To: Martin, Ed, EMNRD
Cc: Pat Wise
Subject: Plains/City of Lovington

Ed,

Pat Wise says that he never recieved a copy of Plains' remediation plan for the site located in the City's wellfield. I forwarded a copy to Eddie Seay for his review. Will you give the City reasonable time to review their proposal and to comment? Thanks, Patrick

Heidel, Samberson, Newell, Cox & McMahon P.O. Drawer 1599 Lovington, NM 88260 Ph: (505) 396-5303 Fax: (505) 396-5305

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.

IR-4157

To: hsncpbm@leaco.net

Subject: Plains Frisco Skelly #1

Has the city decided upon which alternative proposal they like on this site?

#### Ed Martin

New Mexico Oil Conservation Division Environmental Bureau 1220 S. St. Francis Santa Fe, NM 87505 Ph: 505-476-3492 Fa: 505-476-3462 email: ed.martin@state.nm.us

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From:

Martin, Ed, EMNRD cjreynolds@paalp.com

Subject: Frisco Skelly #1 (P-36-165-36E) Attachments:

To:

Cc:

I have the C-141 for this one, but do not have any remediation plan. Does one exist? Ed Martin

NMOCD 1220 S. St. Francis Santa Fe, NM 87505 PH: (505) 476-3492 FA: (505) 476-3462 email: ed.martin@state.nm.us Cell: (505) 690-0894

Sent: Thu 6/16/2005 7:12 AM

https://webmail.state.nm.us/exchange/EMARTIN/Sent%20Items/Frisco%20Skelly%20#1 (... 6/16/2005

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Name of Co							nille Reynolds					
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# SOIL CHEMISTRY, SIDEWALLS

## PLAINS MARKETING, L.P. FRISCO-SKELLY # 1 LEA COUNTY, NEW MEXICO PLAINS EMS NO: 2004-00196

SAMPLE	SAMPLE SAMP	SAMPLE		METHOD: E	METHOD: EPA SW 846-8021B, 5030	3021B, 5030		METHOD: 8015M	): 8015M	TOTAL
LOCATION	DEPTH	DATE	BENZENE TOLUENE ETHYL-	TOLUENE	ЕТНҮС-	м,Р-	M,P- O-XYLENE	GRO	DRO	НЧТ
					BENZENE XYLENES	XYLENES				
			(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)
South Wall	12' bgs 11/11	11/11/04	<0.025	<0.025	0.033	0.044	<0.025	<10.0	<10.0	<10.0
North Wall	15.5' bgs	11/11/04	<0.025	<0.025	<0.025	<0.025	<0.025	<10.0	<10.0	<10.0
East Wall	12' bgs 11/11/0	11/11/04	<0.025	<0.025	<0.025	<0.025	<0.025	16.5	72.7	89.2
West Wall	12' bgs	11/11/04	<0.025	<0.025	<0.025	<0.025	<0.025	<10.0	55.1	55.1

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# **SOIL CHEMISTRY, SOIL BORING 1**

### PLAINS MARKETING, L. P. FRISCO-SKELLY # 1 LEA COUNTY, NEW MEXICO PLAINS EMS NO: 2004-00196

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SAMPLE LOCATION	SAMPLE		METHOD:	EPA SW 846	METHOD: EPA SW 846-8021B, 5030		METHOU	METHOD: 8015M	TOTAL
	DATE	BENZENE	<b>BENZENE TOLUENE</b>	ЕТНУL-	М,Р-	O-XYLENE	GRO	DRO	HdT
				BENZENE	XYLENES				
		(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)
SB-1 5 ' bgs (20' bgs)	11/01/04	0.386	4.82	7.90	9.79	4.84	1270	3830	5100
SB-1 10' bgs (25' bgs)	11/01/04	0.192	2.04	3.70	4.70	2.38	1080	4460	5540
SB-1 15' bgs (30' bgs)	11/01/04	0.423	4.85	6.17	8.19	3.88	1360	5340	6700
SB-1 20' bgs (35' bgs)	11/01/04	<0.025	0.540	1.33	1.82	0.860	478	2590	3068
SB-1 25' bgs (40' bgs)	11/01/04	<0.025	0.141	0.409	0.594	0.379	360	2250	2610
SB-1 30' bgs (45' bgs)	11/01/04	<0.025	<0.025	<0.025	<0.025	<0.025	<10	78.1	78.1
SB-1 35' bgs (50' bgs)	11/01/04	<0.025	<0.025	<0.025	<0.025	<0.025	<10	10.1	10.1
SB-1 40' bgs (55' bgs)	11/01/04	<0.025	<0.025	<0.025	<0.025	<0.025	<10	16.9	16.9

NOTE: Soil boring installed on the floor of excavation, add 15 feet for bgs, bold letters indicate actual bgs

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# SOIL CHEMISTRY, SIDEWALLS

### PLAINS MARKETING, L.P. FRISCO-SKELLY # 1 LEA COUNTY, NEW MEXICO PLAINS EMS NO: 2004-00196

SAMPLE	SAMPLE SAMPLE	SAMPLE		METHOD: EPA SW 846-8021B, 5030	PA SW 846⊣	8021B, 503(		METHOD: 8015M	): 8015M	TOTAL
LOCATION	DEPTH	DATE	DATE BENZENE TOLUENE ETHYL- M,P- O-X	TOLUENE	ETHYL-	M,P-	<b>O-XYLENE</b>	GRO	DRO	ТРН
					BENZENE XYLENES	XYLENES				
			(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)
South Wall	12' bgs	11/11/04 <0.025	<0.025	<0.025	0.033	0.044	<0.025	<10.0	<10.0	<10.0
North Wall	15.5' bgs	15.5' bgs   11/11/04   <0.025	<0.025	<0.025	<0.025	<0.025	<0.025	<10.0	<10.0	<10.0
East Wall	12' bgs	12' bgs 11/11/04	<0.025	<0.025	<0.025	<0.025		16.5	72.7	89.2
West Wall	12' bgs	11/11/04	11/11/04 <0.025 <0.025			<0.025		<10.0	55.1	55.1

# SOIL CHEMISTRY, SOIL BORING 1

### PLAINS MARKETING, L. P. FRISCO-SKELLY # 1 LEA COUNTY, NEW MEXICO PLAINS EMS NO: 2004-00196

SAMPLE LOCATION	SAMPLE		METHOD:	<b>EPA SW 846</b>	METHOD: EPA SW 846-8021B, 5030		METHOD: 8015M	): 8015M	TOTAL
	DATE	BENZENE TOLUENE ETHYL-	TOLUENE	ETHYL-	M,P-	<b>O-XYLENE</b>	GRO	DRO	TPH
				BENZENE XYLENES	XYLENES				
		(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)
SB-1 5 ' bgs (20' bgs)	11/01/04	0.386	4.82	7.90	9.79	4.84	1270	3830	5100
SB-1 10' bgs (25' bgs)	11/01/04	0.192	2.04	3.70	4.70	2.38	1080	4460	5540
SB-1 15' bgs <b>(30' bgs)</b>	11/01/04	0.423	4.85	6.17	8.19	3.88	1360	5340	6700
SB-1 20' bgs <b>(35' bgs)</b>	11/01/04	<0.025	0.540	1.33	1.82	0.860	478	2590	3068
SB-1 25' bgs (40' bgs)	11/01/04	<0.025	0.141	0.409	0.594	0.379	360	2250	2610
SB-1 30' bgs ( <b>45' bgs</b> )	11/01/04	<0.025	<0.025	<0.025	<0.025	<0.025	<10	78.1	78.1
SB-1 35' bgs <b>(50' bgs)</b>	11/01/04	<0.025	<0.025	<0.025	<0.025	<0.025	<10	10.1	10.1
SB-1 40' bgs <b>(55' bgs)</b>	11/01/04	<0.025	<0.025	<0.025	<0.025	<0.025	<10	16.9	16.9

NOTE: Soil boring installed on the floor of excavation, add 15 feet for bgs, bold letters indicate actual bgs

From:

Camille J Reynolds [cjreynolds@paalp.com] Martin, Ed, EMNRD Sent: Thu 6/16/2005 8:46 AM

Subject: RE: Frisco Skelly #1 (P-36-16S-36E) Attachments:

Ed:

To:

CC:

This is the one in the Lovington water well field. We have not checked the groundwater yet. Ken is sending you maps this morning. Sorry for the mix up.

Camille

-----Original Message-----From: Martin, Ed, EMNRD [mailto:ed.martin@state.nm.us] Sent: Thursday, June 16, 2005 9:26 AM To: Camille J Reynolds Subject: RE: Frisco Skelly #1 (P-36-16S-36E)

I have the release report, soil chemistry for the sidewalls table, and soil chemistry for soil boring #1 table. No maps though. Is this one in the Lovington well field also? Groundwater contamination?

Ed Martin NMOCD 1220 S. St. Francis Santa Fe, NM 87505 PH: (505) 476-3492 FA: (505) 476-3462 email: ed.martin@state.nm.us Cell: (505) 690-0894

From: Camille J Reynolds [mailto:cjreynolds@paalp.com] Sent: Thu 6/16/2005 7:55 AM To: Martin, Ed, EMNRD Subject: RE: Frisco Skelly #1 (P-36-16S-36E)

Ed;

Ken Dutton with Basin Env. is working on this one. I asked him to send you the maps, tables and analytical documentation for the site, I take it you have not received any of this? I will have him forward it electronically if that is alright with you. Ken is working on the remediation plan as we speak. I will have it to you ASAP

Sincerely, Camille Reynolds

> -----Original Message-----From: Martin, Ed, EMNRD [mailto:ed.martin@state.nm.us] Sent: Thursday, June 16, 2005 8:13 AM To: cjreynolds@paalp.com Subject: Frisco Skelly #1 (P-36-16S-36E)

I have the C-141 for this one, but do not have any remediation plan. Does one

#### exist?

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