

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

State of New Mexico
Energy Minerals and Natural Resources

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

Form C-141
Revised October 10, 2003

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

Release Notification and Corrective Action

OPERATOR

☒ Initial Report ☐ Final Report

Name of Company <u>SB Weed Control</u>	Contact <u>Joel Longoria / Santa Fe</u>
Address <u>P.O. Box 1502</u>	Telephone No. <u>505-885-2066</u>
Facility Name	Facility Type

Surface Owner	Mineral Owner	Lease No.
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2412 Violet St.

LOCATION OF RELEASE

Unit Letter	Section	Township	Range	Feet from the	North/South Line	Feet from the	East/West Line	County
								<u>El Paso</u>

Latitude _____ Longitude _____

NATURE OF RELEASE

Type of Release <u>Brine or P.W.</u>	Volume of Release <u>unknown</u>	Volume Recovered
Source of Release <u>Truck / Trailer Hose</u>	Date and Hour of Occurrence <u>unk</u>	Date and Hour of Discovery <u>unknown</u>
Was Immediate Notice Given?	If YES, To Whom?	
<u>WE DID NOT KNOW what was happening.</u>		
By Whom?	Date and Hour	
Was a Watercourse Reached?	If YES, Volume Impacting the Watercourse.	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

If a Watercourse was Impacted, Describe Fully.*

8/27/07 OR 8/28/07 Best estimate date.

Describe Cause of Problem and Remedial Action Taken.*

Concern citizen called State Office, found problem with soil. Address where took place is 2412 Violet St CARLSBAD, NM. Robert Tanguma was a driver for SB.

Describe Area Affected and Cleanup Action Taken.*

Back yard of 2412 Violet Street. Cleanup Action. Soil sample from Valley Energy. Cleanup work started. Soil has been gathered, waiting on test results before haul off.

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

Signature: <u>Joel Longoria</u>	OIL CONSERVATION DIVISION	
Printed Name: <u>Joel Longoria</u>	Approved by District Supervisor:	
Title: <u>Office Mgr.</u>	Approval Date:	Expiration Date:
E-mail Address: <u>joel.longoria@sbweedcontrol.com</u>	Conditions of Approval:	Attached <input type="checkbox"/>
Date: <u>9/17/07</u> Phone: <u>505-885-2066</u>		

* Attach Additional Sheets If Necessary

NGEG0726031421

Guye, Gerry, EMNRD

From: Guye, Gerry, EMNRD
Sent: Tuesday, September 18, 2007 9:26 AM
To: 'joellongoria@sbweedcontrol.com'
Subject: C-141 for spill at 1003 Center, Carlsbad

This office is in receipt of your C-141 on the oil and produced water release, at this location.

NMOCD Rule 19.15.3.116 states in part ... "The responsible person must complete division approved corrective action for releases which endanger public health or the environment. **Releases will be addressed in accordance with a remediation plan submitted to and approved by the division or with an abatement plan submitted in accordance with Section 19 of 19.15.1 NMAC.**"

Information and tools for proper corrective action may be found in the Environmental Handbook on our web site www.emnrd.state.nm.us/ocd under the heading publications.

Remediation requirements may be subject to other federal, state and local laws or regulations.

Within 30 days, **on or before October 18, 2007**, completion of corrective activities should be finalized and a final report summarizing all actions taken to mitigate environmental damage related to the leak, spill or release will be provided to OCD for approval.

Please be advised that NMOCD acceptance and/or approval of documents or work plans does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD acceptance and/or approval of documents or work plans do not relieve the operator of responsibility for compliance with any other federal, state, local laws and/or regulations.

If I may be of further service or if you have any questions please feel free to contact me.

Gerry Guye
 Compliance Officer
 NMOCD - Artesia
 Office (505)748-1283x105
 Mobile (505)626-0843
 E-Mail: gerry.guye@state.nm.us

9/25/07: Spike w/ Shelly Tucker
 She is meeting w/ Officer Byron
 Wester on 9/26/07 @ dump site.
 Officer Wester will show her where
 release area is - samples will be
 obtained from any area that
 could have impacted from this
 release - Background sample will
 be obtained from a "Clean"
 area.

MLB

9/18/2007

Submit in triplicate to
Santa Fe Office

State of New Mexico
Energy Minerals and Natural Resources

Form C-133 137
Revised June 10, 2003

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

AUTHORIZATION TO MOVE PRODUCED WATER
SB Transport dba SB Weed Control LLC 1000451

Transporter Name _____

Address
P. O. Box 1502

Office Location (If different)
213 S. Mesa

Carlsbad, New Mexico

Carlsbad, New Mexico

505-885-2066

Phone Numbers(s) _____

CRS-02-944608-002

State Corporation Commission Permit No. 7301695

NOTE:

It is the responsibility of each holder of an approved Form C-133 to familiarize its personnel with the content of Division Rules 709 and 710 and to assure operations in compliance therewith. Failure to move and dispose of produced water in accordance with Division Rules 709 and 710 are cause for cancellation of Form C-133 and the authority to move produced water.

I hereby certify that the information above is true and complete to the best of my knowledge and belief.

Signature _____

Scott Branson

Date _____

01/06/05

Owner

Printed Name _____

Shweedcontrol@yahoo.com

Title _____

E-mail Address _____

(This space for State Use)

Approved by _____

Title _____

Date _____

1/10/04

Executive Assistant to the Chief



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Mark E. Fesmire, P.E.

Director

Oil Conservation Division

COPY

NOTICE OF VIOLATION

NOV No. 02-07-23

****Response Required-Deadline Enclosed****

September 14, 2007

S B Transport d/b/a S B Weed Control, LLC
213 S. Mesa St.
Carlsbad, NM 88220

CERTIFIED MAIL No.: _____

S B Transport d/b/a S B Weed Control, LLC
P.O. Box 1502
Carlsbad, NM 88220

CERTIFIED MAIL No.: _____

**Re: S B Transport d/b/a S B Weed Control, LLC's violation of Oil Conservation
Division Rule 19.15.2.52 (unauthorized disposal of oil field waste) and Rule
19.15.3.116 (notification and clean-up of an unauthorized release)**

Dear Transporter:

On August 28, 2007, New Mexico State Police informed the Oil Conservation Division ("OCD") District Office in Artesia that law enforcement officials had caught your company illegally dumping oil field waste in a vacant lot in a residential neighborhood the previous night. The illegal dumping was witnessed by a concerned citizen, who reported the incident to the authorities. Soil samples were taken which later were determined to contain produced water contaminate.

OCD Rule 19.15.2.52 NMAC ("Rule 52") prohibits the disposal of oil field waste in an unauthorized area. OCD Rule 19.15.3.116 ("Rule 116") requires individuals controlling a release to promptly notify the OCD of the release and to clean-up the release in accord with OCD requirements and standards.

Your company knowingly and willfully violated Rule 52 by illegally dumping oil field waste in an area not approved for disposal of oil field waste. Your company knowingly and willfully violated Rule 116 by not notifying OCD of the release. The site remains contaminated and has not been cleaned-up in accord with OCD's requirements and standards.

Your company's misconduct warrants issuance of this Notice of Violation and assessment of civil penalties pursuant to NMSA 1978, §70-2-31(A) for violations of the OCD rules described above. Section 70-2-31(A) authorizes penalties of up to **one thousand dollars (\$1,000.00)** per day per violation for any knowing and willful violation of any provision of the Oil and Gas Act or any rule adopted pursuant to the Act.

Because the rule violations at issue is serious and occurred over a period of time, the OCD believes at this time a **Two Thousand Dollars (\$2,000.00)** civil penalty and a definite commitment to future corrective action are essential. The penalty is based on one violation of OCD Rule 52 and one violation of OCD Rule 116.

Please contact me **within ten (10) days** from the date of this letter at **(505) 476-3493** to schedule an administrative conference to discuss this matter. OCD legal counsel may be present by telephone for this conference, and you may bring legal counsel if you wish. The purpose of the administrative conference is to discuss the facts surrounding this notice of violation, and to determine if the matter can be resolved administratively through an agreed compliance order.

If this matter cannot be resolved administratively, the OCD may take further enforcement action, including applying for a compliance order against you, the assessment of penalties, and cancelling your authority to transport.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to call.

Sincerely yours,

Daniel Sanchez
OCD Enforcement & Compliance Manager

ec: Tim W. Gum, Supervisor, District II
Gerry Guye, Deputy Oil and Gas Inspector, District II
Sonny Swazo, OCD Assistant General Counsel