

AP - 011

# APPROVALS

YEAR(S):

2005-1998

## Price, Wayne

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**From:** Cindy Crain [cindy@laenvironmental.com]  
**Sent:** Wednesday, April 13, 2005 1:48 PM  
**To:** 'Price, Wayne'  
**Subject:** RE: Dynegy Bertha Barber Site

Thank you Wayne

Cindy K. Crain, P.G.

*Larson and Associates, Inc.*  
507 N. Marienfeld, Ste.202  
Midland, TX 79701

office: (432) 687-0901  
fax: (432) 687-0456  
cell: (432) 556-8665

-----Original Message-----

**From:** Price, Wayne [mailto:WPrice@state.nm.us]  
**Sent:** Wednesday, April 13, 2005 2:17 PM  
**To:** 'Cindy Crain'; Price, Wayne  
**Subject:** RE: Dynegy Bertha Barber Site

Dynegy's request to plug the monitor wells in question is hereby approved with the following conditions:

1. The wells shall be filled from bottom to top with a cement grout with 1-3% bentonite.
2. A completion report shall be submitted by May 15, 2005.

Please be advised that NMOCD approval of this plan does not relieve (Dynegy) of liability should their operations fail to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD approval does not relieve (Dynegy) of responsibility for compliance with any other federal, state, or local laws and/or regulations.

-----Original Message-----

**From:** Cindy Crain [mailto:cindy@laenvironmental.com]  
**Sent:** Monday, April 11, 2005 2:41 PM  
**To:** Price, Wayne  
**Subject:** FW: Dynegy Bertha Barber Site

Wayne,

Listed below, please find the email I had previously sent you regarding the Dynegy Midstream Services, L.P. Bertha Barber Tank Battery site. Please let me know if you need any additional information.

Thank you,

Cindy K. Crain, P.G.

*Larson and Associates, Inc.*  
507 N. Marienfeld, Ste.202  
Midland, TX 79701

office: (432) 687-0901  
fax: (432) 687-0456

4/14/2005



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**

Governor

**Joanna Prukop**

Cabinet Secretary

**Mark E. Fesmire, P.E.**

Director

**Oil Conservation Division**

July 19, 2004

Mr. Vijay K. Kurki  
Marathon Oil Company  
P.O. Box 3487  
Houston, Texas 77253-3487

**RE: WITHDRAWAL - STAGE 2 ABATEMENT PLAN MODIFICATION PROPOSAL  
BERTHA BARBER TANK BATTERY  
GROUND WATER ABATEMENT PLAN (AP-11)**

Dear Mr. Kurki:

The New Mexico Oil Conservation Division (OCD) has reviewed Marathon Oil Company's (MOC) June 16, 2004 correspondence titled "REQUEST FOR WITHDRAWAL OF MODIFIED STAGE 2 ABATEMENT PLAN, FORMER BERTHA BARBER TANK BATTERY FACILITY, LEA COUNTY, NEW MEXICO". This states that MOC is withdrawing their request to modify the previously approved Stage 2 Abatement Plan for soil and ground water contamination at MOC's Bertha Barber Tank Battery located in the North ½ of the Southwest ¼ of Section 5, Township 20 South, Range 37 East, NMPM, Lea County, New Mexico. The requested modification had proposed that MOC be allowed to place blended remediated soils with a concentration of up to 10,000 mg/l of total petroleum hydrocarbons (TPH) on top of the subsurface cap and up to the surface of the land. MOC's June 16, 2004 correspondence document states that MOC will revert back to the previously approved Stage 2 abatement plan and place clean fill atop the subsurface cap. The correspondence also requests approval of several proposals in order to implement the plan.

MOC's Stage 2 abatement plan modification is hereby withdrawn. The above-referenced proposals for implementation of the Stage 2 abatement plan, which was previously approved by the OCD on June 18, 2001, are approved subject to the conditions listed below. Because the proposals do not significantly alter the proposed plan, public notice was not issued.

1. The synthetic liner for capping of contaminated areas shall be a minimum of 40 mils in thickness. The liner materials shall be resistant to tears and punctures, and of sufficient strength to withstand cracking, expansion, contraction and settling movements in the underlying earth.
2. Monitor well MW-1 and monitor well MW-2 shall not be plugged and abandoned. Well

MW-1 contains measurable free phase hydrocarbons and is a monitoring point for determining compliance with the standards of 19.15.1.19.B(2) NMAC. In addition, according to the approved Stage 2 abatement plan, monitor wells MW-1, MW-2, MW-3, MW-4 and MW-5 were designed and approved for use as soil vapor extraction wells to remediate remaining petroleum contaminated soils to the standards of 19.15.1.19.B(1) NMAC.

3. The annual ground water sampling event shall include analysis of ground water samples for the concentrations of metals in ground water.

Please be advised that OCD approval does not relieve MOC of responsibility if the plan fails to adequately remediate or monitor contamination related to their facilities. In addition, OCD approval does not relieve MOC of responsibility for compliance with any other federal, state or local laws, rules and/or regulations.

If you have any questions, please contact Bill Olson at (505) 476-3491.

Sincerely,



Roger C. Anderson  
Environmental Bureau Chief

RCA/wco

xc: Chris Williams, OCD Hobbs District Supervisor  
Jerry King, Assistant Commissioner for Surface Resources, State Land Office  
Jimmie T. Cooper  
William F. McNeill  
Eddie Seay  
Donald A. Neeper, NM Citizens for Clean Air & Water  
C. Gene Samberson, Heidel, Samberson, Newell, Cox & McMahon  
Patrick B. McMahon, Heidel, Samberson, Newell, Cox & McMahon



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**

Governor

**Joanna Prukop**

Cabinet Secretary

**Lori Wrotenbery**

Director

**Oil Conservation Division**

September 10, 2003

Mr. J.D. Morris  
Dynergy Midstream Services, L.P.  
1000 Louisiana St., Suite 5800  
Houston, Texas 77002

**RE: DYNEGY PIPELINE SPILL SITE  
MARATHON BERTHA BARBER TANK BATTERY (AP-11)  
MONUMENT, NEW MEXICO**

Dear Mr. Morris:

The New Mexico Oil Conservation Division (OCD) has reviewed Dynergy Midstream Services, L.P.'s (Dynergy) June 27, 2003 "PROPOSED SUBSURFACE INVESTIGATION WORK PLAN, DYNEGY MIDSTREAM SERVICES, L.P., PIPELINE SEGMENT NEAR BERTHA BARBER TANK BATTERY, N/2, SW/4, SECTION 5, TOWNSHIP 20 SOUTH, RANGE 37 EAST, LEA COUNTY, NEW MEXICO". This document contains Dynergy's work plan for investigation of the extent of contamination related to a prior pipeline leak west of Marathon Oil Company's (MOC) ground water abatement plan project at the Bertha Barber Tank Battery located in the North ½ of the Southwest ¼ of Section 5, Township 20 South, Range 37 East, NMPM, Lea County, New Mexico.

The above-referenced work plan is approved with the following conditions:

1. The downgradient borehole shall be located directly adjacent to and downgradient of the former pipeline release areas. Soil samples shall be obtained from this borehole every 10 feet from the surface to total depth. The samples shall be analyzed for concentrations of total petroleum hydrocarbons (TPH) and benzene, toluene, ethylbenzene and xylene (BTEX).
2. Each borehole shall be completed as a ground water monitoring well as follows:
  - a. At least 15 feet of well screen shall be placed across the water table interface with at least 5 feet of well screen above the water table and 10 feet of well screen below the water table.
  - b. An appropriately sized gravel pack shall be set in the annulus around the well screen from the bottom of the hole to 2-3 feet above the top of the well screen.

Mr. J.D. Morris  
September 10, 2003  
Page 2

- c. A 2-3 foot bentonite plug shall be placed above the gravel pack.
  - d. The remainder of the hole shall be grouted to the surface with a cement grout containing 3-5% bentonite.
  - e. A concrete pad and locking well cover shall be placed around the well casing at the surface.
  - f. The well shall be developed after construction using EPA approved procedures.
- 3. No less than 24 hours after the wells are developed, ground water from all monitor wells which do not contain free phase products shall be purged, sampled and analyzed for concentrations of BTEX.
  - 4. All soil and water samples shall be obtained and analyzed using EPA approved methods and quality assurance/quality control (QA/QC) procedures.
  - 5. All wastes generated shall be disposed of at an OCD approved facility.
  - 6. Dynegy shall submit a report containing the investigation results to the OCD Santa Fe Office by November 10, 2003 with a copy provided to the OCD Hobbs District Office. The report shall include:
    - a. A description of all past and present spill response and investigation activities which have occurred including conclusions and recommendations.
    - b. A geologic log and well completion diagram for each monitor well.
    - c. A water table potentiometric map showing the location of the release areas, monitor wells, boreholes, pipelines and any other pertinent site features as well as the direction and magnitude of the hydraulic gradient.
    - d. If present, the thickness of measured free product in each well.
    - e. Summary tables of all past and present soil and ground water quality sampling results including copies of all recent laboratory analytical data sheets and associated QA/QC data.
    - f. The disposition of all wastes generated.

Mr. J.D. Morris  
September 10, 2003  
Page 3

7. Dynege shall notify the OCD at least 1 week in advance of all scheduled activities such that the OCD has the opportunity to witness the events and split samples.

Please be advised that OCD approval does not limit Dynege to the proposed work plan should the investigation actions fail to adequately define the extent of contamination related to Dynege's activities, or if contamination exists which is outside the scope of the work plan. In addition, OCD approval does not relieve Dynege of responsibility for compliance with any other federal, state or local laws and regulations.

If you have any questions, please contact me at (505) 476-3491.

Sincerely,



William C. Olson  
Hydrologist  
Environmental Bureau

xc: Chris Williams, OCD Hobbs District Supervisor  
Jim Cooper  
Aaron Wilson, Marathon Oil Company



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**GARY E. JOHNSON**

Governor

**Betty Rivera**

Cabinet Secretary

**Lori Wrotenbery**

Director

**Oil Conservation Division**

October 16, 2002

**CERTIFIED MAIL**

**RETURN RECEIPT NO: 7001-1940-0004-7923-0551**

Mr. Aaron B. Wilson  
Marathon Oil Company  
125 W. Missouri  
Midland, Texas 79702

**RE: MODIFIED STAGE 2 ABATEMENT PLAN (AP-11)  
BERTHA BARBER TANK BATTERY  
MONUMENT, NEW MEXICO**

Dear Mr. Wilson:

The New Mexico Oil Conservation Division (OCD) has reviewed Marathon Oil Company's (MOC) July 26, 2002 correspondence titled "MARATHON OIL COMPANY, FORMER BERTHA BARBER TANK BATTERY" and accompanying July 26, 2002 "MODIFIED STAGE 2 ABATEMENT PLAN, FORMER BERTHA BARBER TANK BATTERY, LEA COUNTY, NEW MEXICO" which were submitted on behalf of MOC by their consultant ARCADIS, Inc. These documents contain MOC's proposed work plan for installation of additional ground water monitoring wells, and further soil characterization investigations in order to evaluate potential alternate soil remediation levels related to the previously approved Stage 2 Abatement Plan for remediation of soil and ground water contamination at MOC's Bertha Barber Tank Battery located in the North ½ of the Southwest ¼ of Section 5, Township 20 South, Range 37 East, NMPPM, Lea County, New Mexico.

Since the modified plan is investigative in nature and does not alter the previously approved Stage 2 remediation plan, the above-referenced work plan for the Bertha Barber Tank Battery site is administratively approved with the following conditions:

1. MOC shall install a third soil boring in the recently discovered former disposal pit at the south end of the site. The boring shall be installed within the eastern portion of the former pit.



2. The 2 soil samples taken for laboratory analysis from each monitor well shall be obtained from the soil interval with the highest PID reading and the soil at the capillary fringe.
3. The soil samples taken for laboratory analysis from the 3 zones (0-2 feet, 2-10 feet and 10 feet to ground water) from each soil boring shall be obtained from the soil in each interval with the highest PID reading.
4. In addition to the proposed soil sampling analytical parameters, all soil samples taken for laboratory analysis within former pit locations shall also be analyzed for concentrations of chloride using appropriate EPA methods.
5. All boreholes to be plugged shall be grouted from the bottom to the surface with a cement grout containing 3-5% bentonite.
6. All wastes generated will be disposed of at an OCD approved facility.
7. MOC shall submit the results of the additional site characterization in the subsequent annual report. The report shall be submitted to the OCD Santa Fe Office with a copy provided to the OCD Hobbs District Office and shall include:
  - a. A description of all soil and ground water investigations which occurred including conclusions and recommendations.
  - b. A water table potentiometric map showing the location of pits, spills, monitor wells, boreholes and any other pertinent site features as well as the direction and magnitude of the hydraulic gradient.
  - c. Isopleth maps for contaminants of concern.
  - d. Summary tables of all soil and ground water quality sampling results obtained during the investigations including copies of all laboratory analytical data sheets and associated QA/QC data.
  - e. A ground water product thickness map.
  - f. A lithologic log and well completion diagram for each soil boring and monitoring well.
  - g. The disposition of all wastes generated.
8. MOC shall notify the OCD at least 48 hours in advance of all scheduled activities such that the OCD has the opportunity to witness the events and split samples.

OCD approval does not relieve MOC of responsibility if the plan fails to adequately determine the extent of contamination related to MOC's activities. In addition, OCD approval does not relieve MOC of responsibility for compliance with any other federal, state or local laws and regulations.

Please be aware that any significant proposed changes to the previously approved Stage 2 remediation plan will be required to meet the public notice provisions of OCD Rule 19.

If you have any questions, please contact me at (505) 476-3491.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Olson", written over the printed name.

William C. Olson  
Hydrologist  
Environmental Bureau

xc: Chris Williams, OCD Hobbs District Supervisor  
Jim Cooper



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

GARY E. JOHNSON  
Governor  
Jennifer A. Salisbury  
Cabinet Secretary

**DRAFT**

Lori Wrotenbery  
Director  
Oil Conservation Division

May 4, 2001

**CERTIFIED MAIL**  
**RETURN RECEIPT NO: 5051-**

**DRAFT**

Mr. Paul Peacock  
Marathon Oil Company  
P.O. Box 552  
Midland, Texas 79702-0552

**RE: STAGE 2 ABATEMENT PLAN PROPOSAL  
BERTHA BARBER TANK BATTERY  
GROUND WATER ABATEMENT PLAN (AP-11)**

Dear Mr. Peacock:

The New Mexico Oil Conservation Division (OCD) has completed a review of the following Marathon Oil Company (MOC) documents:

- December 8, 2000 "STAGE 2 ABATEMENT PLAN, GROUNDWATER ABATEMENT PLAN (AP-11), FORMER BERTHA BARBER TANK BATTERY, MARATHON OIL COMPANY".
- October 31, 2000 "GROUNDWATER ABATEMENT PLAN (AP-11), FORMER BERTHA BARBER TANK BATTERY, MARATHON OIL COMPANY".
- July 20, 2000 "STAGE 2 ABATEMENT PLAN, GROUNDWATER ABATEMENT PLAN (AP-11), FORMER BERTHA BARBER TANK BATTERY, MARATHON OIL COMPANY".

These documents contain MOC's Stage 2 Abatement Plan Proposal for remediation of soil and ground water contamination at MOC's Bertha Barber Tank Battery located in the North ½ of the Southwest ¼ of Section 5, Township 20 South, Range 37 East, NMPM, Lea County, New Mexico. The documents also contain MOC's proof of public notice.

The Stage 2 Abatement Plan for the Bertha Barber Tank Battery as contained in the above-referenced documents is approved with the following conditions:

1. All wastes generated will be disposed of at an OCD approved facility.

2. MOC shall submit the annual report to the OCD Santa Fe Office with a copy provided to the OCD Hobbs District Office. The report shall include:
  - a. A description of all soil and ground water remediation and monitoring activities which have occurred during the previous calendar year including conclusions and recommendations.
  - b. A quarterly water table potentiometric map showing the location of pits, spills, monitor wells, boreholes and any other pertinent site features as well as the direction and magnitude of the hydraulic gradient.
  - c. Quarterly isopleth maps for contaminants of concern.
  - d. Summary tables of all past and present soil and ground water quality sampling results including copies of all recent laboratory analytical data sheets and associated QA/QC data.
  - e. Summary tables of the amount of product recovered from the ground water each quarter and the total volume recovered to date.
  - f. Summary tables of the mass of hydrocarbon contaminants recovered from each soil vapor extraction well on a quarterly basis and the total mass recovered to date.
  - g. The disposition of all wastes generated.
3. MOC shall notify the OCD at least 24 hours in advance of all scheduled activities such that the OCD has the opportunity to witness the events and split samples.

Please be advised that OCD approval does not relieve MOC of responsibility if the abatement plan fails to adequately remediate or monitor contamination related to MOC's activities. In addition, OCD approval does not relieve MOC of responsibility for compliance with any other federal, state or local laws and regulations.

If you have any questions, please contact Bill Olson at (505) 476-3491.

Sincerely,

Roger C. Anderson  
Environmental Bureau Chief

RCA/wco

xc: Chris Williams, OCD Hobbs District Supervisor  
Jim Cooper



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

GARY E. JOHNSON  
Governor  
Jennifer A. Salisbury  
Cabinet Secretary

Lori Wrotenbery  
Director  
Oil Conservation Division

May 23, 2000

**CERTIFIED MAIL**  
**RETURN RECEIPT NO. 5051-3143**

Mr. Paul Peacock  
Marathon Oil Company  
P.O. Box 552  
Midland, Texas 79702-0552

**RE: STAGE 1 INVESTIGATION REPORT  
BERTHA BARBER TANK BATTERY  
GROUND WATER ABATEMENT PLAN (AP-11)**


Dear Mr. Peacock:

The New Mexico Oil Conservation Division (OCD) has completed a review of Marathon Oil Company's (MOC) January 31, 2000 "SITE INVESTIGATION REPORT, GROUNDWATER ABATEMENT PLAN (AP-11), FORMER BERTHA BARBER TANK BATTERY, MARATHON OIL COMPANY". This document contains the results of MOC's Stage 1 investigation of the extent of soil and ground water contamination at MOC's Bertha Barber Tank Battery located in Unit F, Section 5, Township 20 South, Range 37 East, NMPM, Lea County, New Mexico.

The above referenced Stage 1 site investigation report is approved. Pursuant to OCD Rule 19.E.(4), the OCD requires that Shell submit a Stage 2 Abatement Plan Proposal to select and design remedial actions for contaminated soil and ground water which will result in the attainment of the abatement standards and requirements set forth in Rule 19.B. The Stage 2 Abatement Plan Proposal shall be submitted to the OCD Santa Fe Office by July 23, 2000 with a copy provided to the OCD Hobbs District Office.

If you have any questions, please contact Bill Olson at (505) 827-7154.

Sincerely,

*for*   
Roger C. Anderson  
Environmental Bureau Chief

xc: Chris Williams, OCD Hobbs District Supervisor



STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION  
2040 S. PACHECO  
SANTA FE, NEW MEXICO 87505  
(505) 827-7131

July 29, 1999

**CERTIFIED MAIL**  
**RETURN RECEIPT NO: Z-274-520-687**

Mr. Paul Peacock  
Marathon Oil Company  
P.O. Box 552  
Midland, Texas 79702-0552

**RE: GROUND WATER ABATEMENT PLAN (AP-11)  
BERTHA BARBER TANK BATTERY**

Dear Mr. Peacock:

The New Mexico Oil Conservation Division (OCD) has completed a review of the following Marathon Oil Company (MOC) documents.

- July 27, 1999 "GROUNDWATER ABATEMENT PLAN (AP-11), FORMER BERTHA BARBER TANK BATTERY, MARATHON OIL COMPANY".
- July 26, 1999 "GROUNDWATER ABATEMENT PLAN (AP-11), FORMER BERTHA BARBER TANK BATTERY, MARATHON OIL COMPANY".
- April 15, 1999 "GROUNDWATER ABATEMENT PLAN (AP-11), FORMER BERTHA BARBER TANK BATTERY, MARATHON OIL COMPANY".

These documents contain MOC's Stage 1 Abatement Plan Proposal for investigating the extent of soil and ground water contamination at MOC's Bertha Barber Tank Battery located in Unit F, Section 5, Township 20 South, Range 37 East, NMPM, Lea County, New Mexico. The documents also contain proof of public notification of the Stage 1 Investigation Proposal.

The OCD has not received any response to the public notification of the Stage 1 Investigation Proposal. The above referenced Stage 1 Investigation Proposal is **approved** with the following conditions:

1. MOC shall install an additional monitor well at the location shown on figure 7 (attached).
2. MOC shall relocate the monitor well east of the tank battery to the location shown on figure 7 (attached).

3. MOC shall complete all monitor wells as follows:
  - a. At least 15 feet of well screen shall be placed across the water table interface with at least 5 feet of well screen above the water table and 10 feet of well screen below the water table.
  - b. An appropriately sized gravel pack shall be set in the annulus around the well screen from the bottom of the hole to 2-3 feet above the top of the well screen.
  - c. A 2-3 foot bentonite plug shall be placed above the gravel pack.
  - d. The remainder of the hole shall be grouted to the surface with cement containing 3-5% bentonite.
  - e. A concrete pad and locking well cover shall be placed around the well at the surface.
  - f. The well shall be developed after construction using EPA approved procedures.
4. No less than 48 hours after the wells are developed, ground water from all monitor wells shall be purged, sampled and analyzed for concentrations of benzene, toluene, ethylbenzene, xylene, polycyclic aromatic hydrocarbons (PAH) and New Mexico Water Quality Control Commission (WQCC) metals and cations and anions using EPA approved methods and quality assurance/quality control (QA/QC) procedures.
5. All wastes generated shall be disposed of at an OCD approved facility.
6. MOC shall submit the results of the Stage 1 investigation to the OCD in a comprehensive report. The report shall be submitted to the OCD Santa Fe Office by January 1, 2000 with a copy provided to the OCD Hobbs District Office and shall include:
  - a. A description of all investigation, remediation and monitoring activities which have occurred including conclusions and recommendations.
  - b. An inventory of all water wells within one mile of the site.
  - c. A geologic/lithologic log and well completion diagram for each monitor well.
  - d. A quarterly water table potentiometric map showing the location of pits, spills, monitor wells, boreholes and any other pertinent site features as well as the direction and magnitude of the hydraulic gradient.
  - e. Quarterly isopleth maps for contaminants of concern which were observed during the investigations.
  - f. Summary tables of all past and present soil and ground water quality sampling results including copies of all recent laboratory analytical data sheets and associated QA/QC data.

g. The disposition of all wastes generated.

7. MOC shall notify the OCD at least 24 hours in advance of all scheduled activities such that the OCD has the opportunity to witness the events and split samples.

Please be advised that OCD approval does not limit MOC to the proposed work plan should the investigation actions fail to adequately define the extent of contamination related to MOC's activities, or if contamination exists which is outside the scope of the work plan. In addition, OCD approval does not relieve MOC of responsibility for compliance with any other federal, state or local laws and regulations.

If you have any questions, please contact Bill Olson of my staff at (505) 827-7154.

Sincerely,



for Roger C. Anderson  
Environmental Bureau Chief

xc: Chris Williams, OCD Hobbs District Office

Z 274 520 687

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NEW MEXICO ENERGY, MINERALS  
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION  
DISTRICT I HOBBS  
PO BOX 1980, Hobbs, NM 88241  
(505) 393-6161  
FAX (505) 393-0720

Jennifer A. Salisbury  
CABINET SECRETARY

September 12, 1998

Jenelle L. Vierzbicki  
Marathon Oil Company (MOC)  
P.O. Box 552  
Midland Tx 79702-0552

RECEIVED

SEP 16 1998

ENVIRONMENTAL BUREAU  
OIL CONSERVATION DIVISION

Re: Surface Impoundment Closures

Dear Ms. Vierzbicki:

New Mexico Oil Conservation Division (NMOCD) is in receipt of the letter dated August 17, 1998 concerning area wide pit closures. **The NMOCD hereby approves of the plan subject to the following additional conditions:**

1. "OCD APPROVAL CONDITIONS FOR RCRA EXEMPT UNLINED CLOSURES" (Two pages attached hereto).
2. MOC shall notify NMOCD within 48 hours of bottom hole sampling so as NMOCD may witness or split samples.
3. In the interest of Public Safety, Public Health and/or Protection of the Environment, NMOCD reserves the right to cancel this approved plan.

Please be advised that NMOCD approval of this area wide plan does not relieve MOC of liability should their operations fail to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD approval does not relieve MOC of responsibility for compliance with any other federal, state, or local laws and/or regulations.

If you require any further information or assistance please do not hesitate to call (505-393-6161) or write this office.

Sincerely Yours,

Wayne Price-Environmental Engineer

cc: Chris Williams-NMOCD District I Supervisor  
Bill Olson-Environmental Bureau, Santa Fe, NM

attachments-2

file: wp98-Marathon Pits