



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

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REMEDIATION WORK PLANS – MARKS & GARNER REMEDIATION PROJECTS

30-015-24991

Mr. Wellburn,

This letter is to follow up and detail what we discussed and agreed to concerning the remediation of the Marks & Garner releases discussed at our meeting on January 12, 2006.

OCD Rule 19.15.3.116.D [NMAC] requires that the responsible person (Marks & Garner Production, Ltd., Co.) for a release must complete division approved corrective action and that releases will be addressed in accordance with a remediation work plan submitted to and approved by the division.

This rule does not preclude the responsible person from taking appropriate actions to mitigate the impact of or contain a release prior to OCD approval but does require that site remediation activities be approved by the OCD. It is understood from our meeting that you intend to begin dirt work on the visibly contaminated soils on Monday, January 16, 2006. Please ensure any dirt work done on Federal or private land is cleared with the surface owner and that any stipulations by the surface owner are documented and relayed to this office.

As discussed at our meeting the Red Twelve State 4, Red State 1 and the Diamond State 2 appear to pose the highest threat to the environment based on the sheer size of contaminant release at these locations. Also as discussed, these priorities may change as your site ranking and delineation proceeds. However, unless a significant change occurs to these priorities, please provide a remediation work plan for the Red Twelve State 4, Red State 1 and the Diamond State 2 releases prior to January 31, 2006. Please keep us informed of any priority changes and contact us before the deadline if extra time is necessary. We will work with you as we can but these releases must be seen to be making progress in the remediation work for extensions to be granted.

I would like to reiterate a few other points on the Marks & Garner idle wells and shut-in injection wells we discussed during our meeting. The injection wells must be scheduled for mechanical integrity tests before they may be used for injection purposes. You may contact this office to schedule the tests for these wells. The idle well issue is taking on a greater urgency as the new OCD Rule 40 implementation nears. All inactive wells must be either temporarily abandoned, plugged and abandoned or brought into production to avoid repercussions when the new OCD Rule 40 takes effect in February, 2006.

Thank you for taking an active interest in these issues. I urge you to continue to communicate your intentions on these issues as you develop your plans to address these long term problems. Please feel free to contact us if we can be of further assistance on any of these issues.

Artesia OCD District Office