

From: [Chase Settle](#)
To: [Patterson, Heather, EMNRD](#)
Cc: [Bob Asher](#); [Katie Parker](#); [Bratcher, Mike, EMNRD](#); [Griswold, Jim, EMNRD](#); [Billings, Bradford, EMNRD](#); ["Robertson, Jeffery"](#)
Subject: RE: Benson Deep BDX Federal Com #1 Work Plan
Date: Monday, May 04, 2015 3:27:42 PM

Heather,

Yates Petroleum Corporation has considered your request for discrete sampling and reviewed your justification for discrete sampling. Yates agrees to perform discrete grab samples in the MR release area, but we request NMOCD presence during the course of sampling and NMOCD approval of each location that a sample is collected from.

However, we feel it should be expressly noted that Rule 17 and Rule 36 clearly mandate composite sampling as a requirement for closure and that the current NMOCD Guidelines for Remediation of Leaks, Spills and Releases bears no mention to a preference for discrete sampling or composite sampling, much less any guidelines for use of discrete or composite sampling.

In the future, Yates Petroleum Corporation will perform composite sampling using 5 location points for each area sampled. If NMOCD finds this method unacceptable, Yates Petroleum Company will insist on NMOCD conveying this in writing.

Of the following preliminary dates, which will work best for you to be present for sampling? If none of the dates are possible, please provide alternatives and sampling can be adjusted.

June 12, 2015
June 16, 2015
June 17, 2015

Thank you,

Chase Settle

Environmental Regulatory Agent
Yates Petroleum Corporation
105 S. 4th Street
Artesia, NM 88210
575-748-4171 (Office)
575-703-6537 (Cell)

From: Patterson, Heather, EMNRD [mailto:Heather.Patterson@state.nm.us]
Sent: Monday, May 04, 2015 12:44 PM
To: Chase Settle
Cc: Bob Asher; Katie Parker; Bratcher, Mike, EMNRD; Griswold, Jim, EMNRD; Billings, Bradford, EMNRD; 'Robertson, Jeffery'
Subject: RE: Benson Deep BDX Federal Com #1 Work Plan

Chase,

As explained before, composite sampling across a large area is not considered to be an adequate representation of contamination by the OCD. Three composited samples across a 400' span only gives us a vague idea of what might be in place. In this case, due to the low numbers overall and your proposal to pull confirmation samples, I opted to approve the work plan as it was written and have you follow up with discrete confirmation samples, rather than outright deny the plan until proper sampling is completed.

Heather Patterson
Environmental Specialist
NMOCD District II
Office (575)748-1283 ext.101
Cell (575)703-0228

From: Chase Settle [mailto:CSettle@yatespetroleum.com]
Sent: Monday, May 04, 2015 11:13 AM
To: Patterson, Heather, EMNRD
Cc: Bob Asher; Katie Parker; Bratcher, Mike, EMNRD
Subject: RE: Benson Deep BDX Federal Com #1 Work Plan

Heather,

I have yet to receive a response to the previous inquiry (email listed below) requesting the justification from NMOCD for stipulating individual samples be obtained for confirmation of remediation. I believe this to be an important aspect to the Work Plan for this location, and cannot proceed with remediation activities until resolution of this issue in the remediation process.

Thank you,

Chase Settle
Environmental Regulatory Agent
Yates Petroleum Corporation
105 S. 4th Street
Artesia, NM 88210
575-748-4171 (Office)
575-703-6537 (Cell)

From: Chase Settle
Sent: Thursday, April 30, 2015 8:32 AM
To: 'Patterson, Heather, EMNRD'
Cc: Bob Asher; Katie Parker; Bratcher, Mike, EMNRD
Subject: RE: Benson Deep BDX Federal Com #1 Work Plan

Heather,

What is the justification for stipulating individual samples to be taken for confirmation of remediation? This is an added expense to the sampling process and I do not believe that a significant difference will be observed from individual samples versus a composite sample. Composite sampling was the method used to determine the initial impacts of the release, and as such would seem a legitimate method for the confirmation sampling to demonstrate remediation is complete.

Chase Settle

**Environmental Regulatory Agent
Yates Petroleum Corporation**

**105 S. 4th Street
Artesia, NM 88210
575-748-4171 (Office)
575-703-6537 (Cell)**

From: Patterson, Heather, EMNRD [<mailto:Heather.Patterson@state.nm.us>]
Sent: Wednesday, April 29, 2015 1:28 PM
To: Chase Settle
Cc: Bob Asher; Katie Parker; 'Robertson, Jeffery'; Bratcher, Mike, EMNRD
Subject: RE: Benson Deep BDX Federal Com #1 Work Plan

RE: Yates * Benson Deep BDX Fed. Com #1 * 30-015-22793 * 2RP-2732

Chase,

Your proposed work plan is approved. When conducting your sampling please remit discrete samples, rather than composite, in the area of MR.

OCD approval does not relieve the operator of liability should their operations fail to adequately investigate and remediate contamination that may pose a threat to ground water, surface water, human health or the environment. In addition, OCD approval does not relieve the operator of responsibility for compliance with any other federal, state, local laws and/or regulations.

If you have any questions or concerns, and for notification, please contact me.

Heather Patterson
Environmental Specialist
NMOCD District II
Office (575)748-1283 ext.101
Cell (575)703-0228

From: Chase Settle [<mailto:CSettle@yatespetroleum.com>]
Sent: Thursday, April 16, 2015 8:44 AM
To: Bratcher, Mike, EMNRD; Patterson, Heather, EMNRD
Cc: Bob Asher; Katie Parker
Subject: Benson Deep BDX Federal Com #1 Work Plan

April 16, 2015

Mr. Mike Bratcher/Mrs. Heather Patterson
NMOCD District II
811 S. First St.
Artesia, NM 88210

Re: Benson Deep BDX Federal Com #1
30-015-22793
Section 33, T18S-R30E
Eddy County, New Mexico
2RP-2732

Mr. Bratcher/Mrs. Patterson,

Yates Petroleum Corporation is submitting the attached work plan for the above captioned well. The plan is being submitted in response to the C-141 report dated January 13, 2015.

If there are no objections with the scope of work described in the plan, Yates will have a contractor begin work on or after May 1, 2015.

If you have any questions, feel free to call me at (575) 748-4171

Thank you.

Chase Settle

**Environmental Regulatory Agent
Yates Petroleum Corporation
105 S. 4th Street
Artesia, NM 88210
575-748-4171 (Office)
575-703-6537 (Cell)**

This message may contain confidential information and is intended for the named recipient only. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or

incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.

This message may contain confidential information and is intended for the named recipient only. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.

This message may contain confidential information and is intended for the named recipient only. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.
