

From: [Chase Settle](#)
To: [Patterson, Heather, EMNRD](#)
Cc: [Bob Asher](#); [Katie Parker](#); [Bratcher, Mike, EMNRD](#); [Billings, Bradford, EMNRD](#); [Griswold, Jim, EMNRD](#)
Subject: RE: Dayton Water Line (Gushwa DX #1) Work Plan Part 1 of 3
Date: Tuesday, September 08, 2015 2:10:30 PM

Mrs. Patterson,

I believe you misinterpreted the Well Log information that was attached in the last email. Nowhere in that log does it indicate that there is a domestic water well within 200' of any part of the release. There in fact, are no domestic water wells within 200' of any edge of the release. The only relevant information on that Well Log sheet was that groundwater is deeper than 100' from the bottom of any contaminants. Therefore, the site ranking for this release will be changed to a zero (0) in accordance with the "Guidelines for Remediation of Leaks, Spills and Releases" (August 13, 1993).

Yates still contests performing further sampling in the S1 area since it was clearly stated by Jim Griswold, in the presence of Yates Environmental personnel (Katie Parker, Bob Asher, and Amber Griffin) and representatives from NMOCD (Mike Bratcher and Bradford Billings) that a projection chart was acceptable in lieu of lab verification when at least the last 3 lab verified samples showed a continually decreasing pattern. The projection chart displayed that chloride levels would drop to zero at a depth of approximately 17' below surface level (BSL), which makes lab verification impracticable since a backhoe in this situation could only sample to 15.5' accurately without cross contaminating the sample because of how hard the packed clay layer became at 15' BSL. It is also very impracticable to believe that chlorides would migrate another 120' BSL through this hard clay layer to impact groundwater, and it becomes even further impracticable when one considers that a 20 ml synthetic liner will be installed over the area inhibiting any future moisture from forcing the migration of chlorides deeper towards groundwater. Because of this information, previous directives from the OCD Environmental Bureau Chief, and lack of any enforceable rules regarding chlorides from releases, Yates must insist that no further sampling will be conducted for chloride delineation in the S1 area of this release.

Chase Settle, M.S.

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: Friday, September 04, 2015 1:07 PM

To: Chase Settle

Cc: Bob Asher; Katie Parker; Bratcher, Mike, EMNRD; Billings, Bradford, EMNRD; Griswold, Jim, EMNRD

Subject: RE: Dayton Water Line (Gushwa DX #1) Work Plan Part 1 of 3

RE: Yates * Dayton Water Line (Gushwa DX #1) * 31-015-21703 * 2RP-2824

Mr. Settle,

Thank you for the water well information. The reason I requested a 1500 foot radius was mainly because the contamination from this release spans an area of over 1200 feet. Rather than try to evaluate 200' around the outer edge of the whole site, I figured it would be simpler to radiate from the center of the release. Also, we get a better picture of the depth to groundwater with a greater radius. Your investigation showed that the depth to groundwater is possibly greater than 100 feet, which is great news all around, but unfortunately the presence of a domestic water well within the 200 foot setback will add 20 points to your site ranking.

My original request for a groundwater quality baseline was based primarily on the unknown amount of contamination left in place due to the railroad setback. In lieu of this new depth to groundwater information, I will ask that the OCD District 2 hydrologist review the information and determine whether that is still necessary.

As for the request for a chloride delineation to 250mg/kg, that is per a directive from the OCD Environmental Bureau in Santa Fe.

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: Friday, August 28, 2015 2:00 PM
To: Patterson, Heather, EMNRD
Cc: Bob Asher; Katie Parker; Bratcher, Mike, EMNRD
Subject: RE: Dayton Water Line (Gushwa DX #1) Work Plan Part 1 of 3

Mrs. Patterson,

Yates Petroleum Corporation reviewed your request on behalf of OCD for a full water well investigation, but has found no merit for such a request when it is not believed that chlorides from this release have had any effect on ground water quality. Yates Petroleum Corporation also does not understand why wells within a 1500 foot radius would be an issue considering that the Guidelines for Remediation of Spills, Leaks, and Releases (1993) lists a wellhead protection area of <200 feet to be considered in site ranking with regards to private domestic water sources. However, we do agree that the site ranking needs to be adjusted. After performing a search of well log information on the New Mexico Office of the State Engineer (attached), it was determined that depth to groundwater is 136 to 140 feet within a 1500 foot radius from the center of the release. Therefore, the site ranking needs to be adjusted from a ten (10) to a site ranking zero (0).

While I am glad that my projection chart was appreciated, it was included to serve a purpose. During a meeting held at the NMOCD District II office on February 4, 2015, between Yates Environmental Department (Katie Parker, Bob Asher, Amber Griffin, and myself) and representatives from OCD (Jim Griswold, Bradford Billings, and Mike Bratcher) it was made very clear by Jim Griswold that projection charts were absolutely acceptable in lieu of lab verification for the delineation of chlorides when at least the last 3 lab verified samples showed a continually decreasing pattern. And in the case of the S1 area of this release, there were 5 consecutive decreases in chlorides that were used to form the projection line.

If contestation of this work plan is to continue, then Yates Petroleum requests that NMOCD respond in writing with the rejection of this work plan with justification on the requested 250 mg/kg delineation goal, as well as the justification for the wellhead protection area to be within 1500 feet of private domestic water sources when it is listed as less than 200 feet in the Guidelines for Remediation of Leaks, Spills, and Releases (1993). We also request to know when these changes were adopted as a Rule or incorporated in the new Guidelines for Remediation of Leaks, Spills, and Releases (since it does not exist in the August 13, 1993 version), where the new Rule or Guidelines of Remediation of Leaks, Spills, and Releases has been published for public record, and where scientific data used to determine these levels can be previewed.

Thanks,

Chase Settle, M.S.

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: Tuesday, August 25, 2015 12:44 PM

To: Chase Settle

Cc: Bob Asher; Katie Parker; Bratcher, Mike, EMNRD

Subject: RE: Dayton Water Line (Gushwa DX #1) Work Plan Part 1 of 3

RE: Yates * Dayton Water Line (Gushwa DX #1) * 30-015-21703 * 2RP-2824

Chase,

The OCD would like to request some additional information before this work plan is approved. Because of the large amount of contamination that must be left in place due to the railroad ROW, the OCD is requesting a full water well investigation. Please include all wells within a 1500 foot radius from the center of the release. This information should be included in the site ranking, and may potentially increase your site ranking score. We would also like to review some baseline water quality information. The OCD also requests further chloride delineation in the area of S1. While we appreciate your chloride projection chart, we do need lab verification. The target delineations goal is 250mg/kg or at depth background, whichever is greater.

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: Monday, August 17, 2015 11:54 AM
To: Bratcher, Mike, EMNRD; Patterson, Heather, EMNRD
Cc: Bob Asher; Katie Parker
Subject: Dayton Water Line (Gushwa DX #1) Work Plan Part 1 of 3

Re: Dayton Water Line (Gushwa DX #1)
30-015-21703
Section 21, T18S-R26E
Eddy County, New Mexico
2RP-2824

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 February 18, 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 September 1, 2015.

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

Thank you.

Chase Settle, M.S.
Environmental Regulatory Agent
Yates Petroleum Corporation
105 S. 4th Street
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