



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**

Governor

**Joanna Prukop**

Cabinet Secretary

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

Director

**Oil Conservation Division**

Yates Petroleum Corporation  
105 S. 4<sup>th</sup> Street  
Artesia, NM 88210  
Attn: Dan Dolan

February 8, 2006

Reference: Whopper AZD 002 M-2-22s-25e API: 30-015-31830

Mr. Dolan,

After making a physical inspection of this site, I did not observe any water source (wellhead protection area) to be within 1000' of this well site. Information on the State Engineer Website indicates average depth to ground water in section 1 (East of this site) to be 20 ft. The website also lists average depth to groundwater in section 11 (South of this site) to be 385 ft.

This information indicates that the Whopper AZD 002 well is situated in an area that groundwater could potentially be encountered at less than 50 ft. This information would change the site ranking from 40 points, as stated in my letter dated January 6, 2006, to 20 points. This new ranking, however, would not change the Recommended Remediation Action Levels (RRAL) for contaminants present at the site.

Your method of remediation, to treat in-situ with nitrates until the desired RRAL is achieved, is accepted with the following stipulations:

1. Samples are to be obtained for analysis to delineate depth and type of contamination prior to commencement of remediation activities.
2. Samples are to be obtained and submitted for analysis no later than February 22, 2006.
3. If the RRAL cannot be achieved within 6 months, or if migration of contaminants becomes a concern, an alternate plan for remediation of site must be submitted to the New Mexico Oil Conservation Division (OCD).
4. Notify the OCD District 2 Office 24 hours prior to commencement of activities.
5. Notify the OCD District 2 Office 24 hours prior to obtaining samples where analysis of sample obtained is to be submitted to the OCD.
6. Submit a C-141 Final Report upon satisfactory completion of remediation project.

Any other data you may have available to more accurately determine the depth to groundwater will be considered.

Please be advised that the New Mexico Oil Conservation Division's acceptance and/or approval of documents or remediation plans does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to groundwater, surface water, human health or the environment. In addition, the New Mexico Oil Conservation Division's acceptance and/or approval of documents or remediation plans does not relieve the operator of responsibility for compliance with any other federal, state, local laws and/or regulations.

Sincerely,

Mike Bratcher  
NMOCD District 2