YATES PETROLEUM CORPORATION
105 SOUTH FOURTH STREET
ARTESIA, NEW MEXICO 88210-2118
TELEPHONE (575) 748-1471

RECEIVED
NOV 17 2009
NMOCD ARTESIA

November 17, 2009

Mr. Mike Bratcher
NMOCD District II
1301 West Grand
Artesia, NM 88210

Re: Dayton FG Battery
2RP-352
30-015-21733
Section 28, T18S-R26E
Eddy County, New Mexico

Dear Mr. Bratcher:

Yates Petroleum Corporation would like to submit for your consideration the enclosed work plan for the above captioned well. The plan is being submitted in response to the C-141 report dated August 4 2009. Scope of work described in the plan will be conducted as soon as the work plan is approved and a contractor can be scheduled.

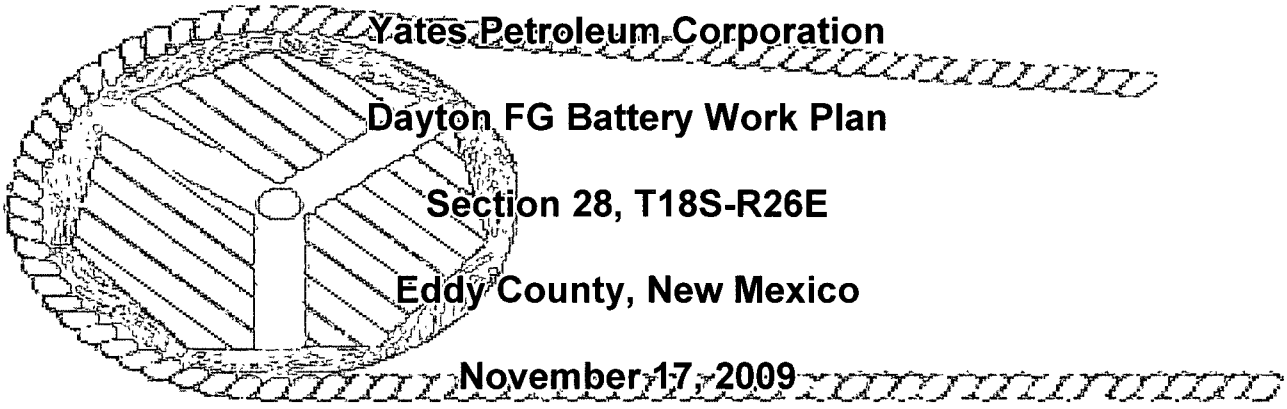
If you have any questions call me at (575) 748-4217

Thank you.

YATES PETROLEUM CORPROATION

Robert Asher
Environmental Regulatory Agent

Enclosure(s)



Yates Petroleum Corporation

Dayton FG Battery Work Plan

Section 28, T18S-R26E

Eddy County, New Mexico

November 17, 2009

I. Location

The well is located approximately 8 miles south of Artesia, NM, 1 miles east of US Highway 285, 0.4 miles south of Dayton Road (CR 41), as represented by the attached Dayton, NM, USGS Quadrangle Map.

II. Background

On August 4, 2009, Yates submitted to the NMOCD District II office a Form C-141 for releases of 100 barrels of oil. YPC notified the NMOCD of the release (voicemail and e-mail) of the release. The release occurred because of a hole in the bottom of the production tank; both production tanks and other production equipment have been moved to allow for excavation of impacted soils (south half of excavation is at a current depth of five (5) feet, the north half has been excavated to a current depth of eight (8) feet. Impacted soils have been or are currently being taken to an NMOCD approved facility. Samples have been taken on October 29, 2009 and November 5, 2009 these samples will be analyzed for BTEX and THP. The results (enclosed with a sample diagram) are within the RRAL's for BTEX (50 ppm) and TPH (1000 ppm) with the Total Ranking Score of ten (10), with the exception of two (please see V. Scope of Work)

III. Surface and Ground Water

Area surface geology is Paleozoic. The nearest groundwater of record is listed on the New Mexico Office of the State Engineers web site shows the depth to groundwater is approximately 60 feet (Unit Letter C, Section 28, T18S-R26E) making the site ranking for this site a ten (10). Any watercourses in the area are dry except for infrequent flows in response to major precipitation events.

The ranking for this site is ten (10) based on the as following:

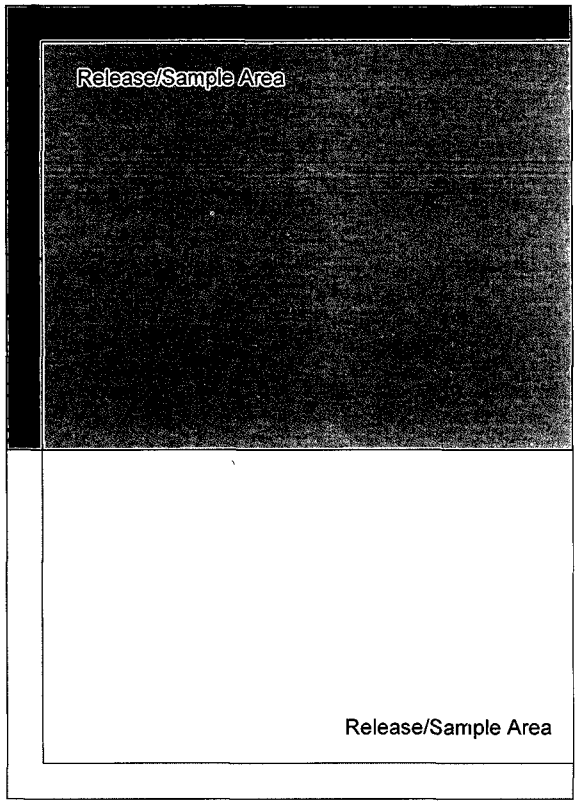
Depth to ground water	50-99'
Wellhead Protection Area	> 1000'
Distance to surface water body	> 1000'

IV. Soils

The area consists of soils that are clay, interspersed with caliche and clay seams providing a low permeability barrier to retard vertical percolation of contaminants into the subsurface.

V. Scope of Work

Currently two sample areas, GS/Comp-010 & GS/Comp-015 are above the RRAL's for the site ranking, the DRO levels are 1290ppm and 1310 ppm, DRO Hydrocarbons are not mobile and Yates would request that those impacted soils be left in place and upon approval of this work plan, Yates Petroleum Corporation will have a contractor use clean back fill material until the excavation is filled to current grade of battery. A 20 mil liner will be installed and a secondary berm would be built to provide containment of any future releases if a release occurs. When work is completed a Final Report, C-141 will be submitted requesting closure of the site.



N

Remove to 10'
WAB

Sample ID	Sample Area	Sample Date	Sample Type	Depth	BTEX	GRO	DRO	TOTAL
GS/Comp-008	Bottom (N 1/2)	10/26/2009	Grab/Trackhoe	8'	0.376	ND	138	138
GS/Comp-010	Bottom (N 1/2)	10/26/2009	Grab/Trackhoe	10'	38.600	537	1290	1827
GS/Comp-012	Bottom (N 1/2)	10/26/2009	Grab/Trackhoe	12'	28.510	218	256	474
GS/Comp-015	Bottom (N 1/2)	10/26/2009	Grab/Trackhoe	15'	37.850	420	1310	1730
GS/Comp-018	Bottom (N 1/2)	10/26/2009	Grab/Trackhoe	18'	2.381	40.7	171	211.7
Sample ID	Sample Area	Sample Date	Sample Type	Depth	BTEX	GRO	DRO	TOTAL
GS/Comp-004	Sidewall 1	10/13/2009	Grab/Shovel	5' X 1'	ND	ND	ND	ND
GS/Comp-005	Bottom (S 1/2)	10/13/2009	Grab/Shovel	5'	0.366	69.9	162	231.9
GS/Comp-006	Sidewall 2	10/13/2009	Grab/Shovel	5' X 1'	0.001	ND	ND	ND

Site Ranking is Ten (10). Depth to Ground Water 50-99' (approx. 60, per New Mexico State Engineer Office).
All results are ppm.

YATES PETROLEUM CORPORATION

Dayton FG Battery

Section 28, T18S-R26E

Eddy County, NM

SAMPLE DIAGRAM (Not to Scale)
Xenco Laboratories: #350003
Report Date: 11/6/2009
Xenco Laboratories: #351228
Report Date: 11/12/2009
Prepared by Robert Asher
Environmental Regulatory Agent

Analytical Report 350003

for

Yates Petroleum Corporation

Project Manager: Robert Asher

Dayton FG Battery

30-015-21733

06-NOV-09

12600 West I-20 East Odessa, Texas 79765

Xenco-Houston (EPA Lab code: TX00122):
Texas (T104704215-08-TX), Arizona (AZ0738), Arkansas (08-039-0), Connecticut (PH-0102), Florida (E871002)
Illinois (002082), Indiana (C-TX-02), Iowa (392), Kansas (E-10380), Kentucky (45), Louisiana (03054)
New Hampshire (297408), New Jersey (TX007), New York (11763), Oklahoma (9218), Pennsylvania (68-03610)
Rhode Island (LAO00308), USDA (S-44102)

Xenco-Atlanta (EPA Lab Code: GA00046):
Florida (E87428), North Carolina (483), South Carolina (98015), Utah (AALI1), West Virginia (362), Kentucky (85)
Louisiana (04176), USDA (P330-07-00105)

Xenco-Miami (EPA Lab code: FL01152): Florida (E86678), Maryland (330)
Xenco-Tampa Mobile (EPA Lab code: FL01212): Florida (E84900)
Xenco-Odessa (EPA Lab code: TX00158): Texas (T104704400-08-TX)
Xenco-Dallas (EPA Lab code: TX01468): Texas (T104704295-08-TX)
Xenco-Corpus Christi (EPA Lab code: TX02613): Texas (T104704370-08-TX)
Xenco-Boca Raton (EPA Lab Code: FL00449): Florida(E86240),
South Carolina(96031001), Louisiana(04154), Georgia(917)

06-NOV-09

Project Manager: **Robert Asher**
Yates Petroleum Corporation
105 South Fourth St.
Artesia, NM 88210

Reference: XENCO Report No: **350003**
Dayton FG Battery
Project Address: Eddy County

Robert Asher:

We are reporting to you the results of the analyses performed on the samples received under the project name referenced above and identified with the XENCO Report Number 350003. All results being reported under this Report Number apply to the samples analyzed and properly identified with a Laboratory ID number. Subcontracted analyses are identified in this report with either the NELAC certification number of the subcontract lab in the analyst ID field, or the complete subcontracted report attached to this report.

Unless otherwise noted in a Case Narrative, all data reported in this Analytical Report are in compliance with NELAC standards. Estimation of data uncertainty for this report is found in the quality control section of this report unless otherwise noted. Should insufficient sample be provided to the laboratory to meet the method and NELAC Matrix Duplicate and Matrix Spike requirements, then the data will be analyzed, evaluated and reported using all other available quality control measures.

The validity and integrity of this report will remain intact as long as it is accompanied by this letter and reproduced in full, unless written approval is granted by XENCO Laboratories. This report will be filed for at least 5 years in our archives after which time it will be destroyed without further notice, unless otherwise arranged with you. The samples received, and described as recorded in Report No. 350003 will be filed for 60 days, and after that time they will be properly disposed without further notice, unless otherwise arranged with you. We reserve the right to return to you any unused samples, extracts or solutions related to them if we consider so necessary (e.g., samples identified as hazardous waste, sample sizes exceeding analytical standard practices, controlled substances under regulated protocols, etc).

We thank you for selecting XENCO Laboratories to serve your analytical needs. If you have any questions concerning this report, please feel free to contact us at any time.

Respectfully,

Brent Barron, II
Odessa Laboratory Manager

Sample Cross Reference 350003

Yates Petroleum Corporation, Artesia, NM

Dayton FG Battery

Sample Id	Matrix	Date Collected	Sample Depth	Lab Sample Id
GS/Comp-008	S	Oct-26-09 09:16	8 - 8 ft	350003-001
GS/Comp-010	S	Oct-26-09 09:22	10 - 10 ft	350003-002
GS/Comp-012	S	Oct-26-09 09:31	12 - 12 ft	350003-003
GS/Comp-015	S	Oct-26-09 09:42	15 - 15 ft	350003-004
GS/Comp-018	S	Oct-26-09 09:50	18 - 18 ft	350003-005

CASE NARRATIVE

Client Name: Yates Petroleum Corporation
Project Name: Dayton FG Battery

Project ID: 30-015-21733 *Report Date:* 06-NOV-09
Work Order Number: 350003 *Date Received:* 10/28/2009

Sample receipt non conformances and Comments:

None

Sample receipt Non Conformances and Comments per Sample:

None

Analytical Non Conformances and Comments:

Batch: LBA-779318 Percent Moisture
None

Batch: LBA-779662 BTEX by EPA 8021
SW8021BM

Batch 779662, 1,4-Difluorobenzene recovered below QC limits . Matrix interferences is suspected; data confirmed by re-analysis
Samples affected are: 350003-003,350003-002,350003-004.
4-Bromofluorobenzene recovered below QC limits . Matrix interferences is suspected; data not confirmed by re-analysis
Samples affected are: 350078-009 S,350078-009 SD.

4-Bromofluorobenzene recovered above QC limits . Matrix interferences is suspected; data confirmed by re-analysis
Samples affected are:350003-004.
SW8021BM

Batch 779662, Benzene, Ethylbenzene, Toluene, m,p-Xylenes, o-Xylene recovered below QC limits in the Matrix Spike and Matrix Spike Duplicate.
Samples affected are: 350003-001, -003, -005, -002, -004.
The Laboratory Control Sample for Toluene, m,p-Xylenes , Benzene, Ethylbenzene, o-Xylene is within laboratory Control Limits

Batch: LBA-780514 TPH by SW 8015B
None

Certificate of Analysis Summary 350003

Yates Petroleum Corporation, Artesia, NM

Project Name: Dayton FG Battery

Project Id: 30-015-21733
Contact: Robert Asher
Project Location: Eddy County

Date Received in Lab: Wed Oct-28-09 09:35 am
Report Date: 06-NOV-09
Project Manager: Brent Barron, II

Analysis Requested											
	Lab Id:	350003-001		350003-002		350003-003		350003-004		350003-005	
	Field Id:	GS/Comp-008		GS/Comp-010		GS/Comp-012		GS/Comp-015		GS/Comp-018	
	Depth:	8-8 ft		10-10 ft		12-12 ft		15-15 ft		18-18 ft	
	Matrix:	SOIL		SOIL		SOIL		SOIL		SOIL	
	Sampled:	Oct-26-09 09:16		Oct-26-09 09:22		Oct-26-09 09:31		Oct-26-09 09:42		Oct-26-09 09:50	
BTEX by EPA 8021	*Extracted:*	Oct-29-09 13.15		Oct-29-09 13:15		Oct-29-09 13.15		Oct-29-09 13:15		Oct-29-09 13:15	
	Analyzed:	Oct-30-09 00:43		Oct-30-09 01:05		Oct-30-09 01:48		Oct-30-09 02:52		Oct-30-09 03.34	
	Units/RL:	mg/kg	RL	mg/kg	RL	mg/kg	RL	mg/kg	RL	mg/kg	RL
Benzene		0.1760	0.0306	0.6091	0.1221	1.528	0.0762	0.3355	0.0594	0 1102	0 0278
Toluene		0.0888	0.0612	7.050	0.2441	7.416	0.1525	6.353	0.1188	0.4685	0.0556
Ethylbenzene		0.0343	0.0306	7.347	0.1221	5.056	0 0762	6.630	0 0594	0.4298	0.0278
m,p-Xylenes		ND	0.0612	17.42	0.2441	10.75	0.1525	17.79	0.1188	0.9848	0 0556
o-Xylene		0.0772	0.0306	6.169	0.1221	3.759	0.0762	6.745	0.0594	0.3878	0.0278
Xylenes, Total		0.0772	0.0306	23 59	0.1221	14.51	0.0762	24.54	0.0594	1.3726	0.0278
Total BTEX		0.3763	0.0306	38.60	0 1221	28 51	0.0762	37.85	0.0594	2.3811	0 0278
Percent Moisture	*Extracted:*										
	Analyzed:	Oct-28-09 17·00		Oct-28-09 17·00		Oct-28-09 17·00		Oct-28-09 17 00		Oct-28-09 17 00	
	Units/RL:	%	RL	%	RL	%	RL	%	RL	%	RL
Percent Moisture		34.7	1.00	18.2	1 00	34.8	1.00	16.1	1.00	28.3	1.00
TPH by SW 8015B	*Extracted:*	Oct-28-09 13:15		Oct-28-09 13:15		Oct-28-09 13:15		Oct-28-09 13:15		Oct-28-09 13:15	
	Analyzed:	Oct-30-09 15:25		Oct-30-09 15:51		Oct-30-09 16:17		Oct-30-09 16:43		Oct-30-09 17:09	
	Units/RL:	mg/kg	RL	mg/kg	RL	mg/kg	RL	mg/kg	RL	mg/kg	RL
C6-C10 Gasoline Range Hydrocarbons		ND	22.9	537	18.3	218	23.0	420	17.8	40.7	20.9
C10-C28 Diesel Range Hydrocarbons		138	22.9	1290	18.3	256	23.0	1310	17.8	171	20.9
Total TPH 8015B_NM		138	22.9	1827	18.3	474	23.0	1730	17.8	212	20 9

Brent Barron, II
Odessa Laboratory Manager

Flagging Criteria

X In our quality control review of the data a QC deficiency was observed and flagged as noted. MS/MSD recoveries were found to be outside of the laboratory control limits due to possible matrix /chemical interference, or a concentration of target analyte high enough to effect the recovery of the spike concentration. This condition could also effect the relative percent difference in the MS/MSD.

B A target analyte or common laboratory contaminant was identified in the method blank. Its presence indicates possible field or laboratory contamination.

D The sample(s) were diluted due to targets detected over the highest point of the calibration curve, or due to matrix interference. Dilution factors are included in the final results. The result is from a diluted sample.

E The data exceeds the upper calibration limit; therefore, the concentration is reported as estimated.

F RPD exceeded lab control limits.

J The target analyte was positively identified below the MQL and above the SQL.

U Analyte was not detected.

L The LCS data for this analytical batch was reported below the laboratory control limits for this analyte. The department supervisor and QA Director reviewed data. The samples were either reanalyzed or flagged as estimated concentrations.

H The LCS data for this analytical batch was reported above the laboratory control limits. Supporting QC Data were reviewed by the Department Supervisor and QA Director. Data were determined to be valid for reporting.

K Sample analyzed outside of recommended hold time.

JN A combination of the "N" and the "J" qualifier. The analysis indicates that the analyte is "tentatively identified" and the associated numerical value may not be consistent with the amount actually present in the environmental sample.

BRL Below Reporting Limit.

RL Reporting Limit

* Outside XENCO's scope of NELAC Accreditation.

Environmental Lab of Texas

CHAIN OF CUSTODY RECORD AND ANALYSIS REQUEST

12600 West I-20 East
Odessa, Texas 79765
Phone: 432-563-1800
Fax: 432-563-1713

Project Manager: Robert Asher | Cooler # YPC-004 | Project Name: Dayton FG Battery

Company Name: Yates Petroleum Corporation | Project #: 30-015-21733

Company Address: 105 South 4th Street | Project Loc: Eddy County

City/State/Zip: Artesia, NM 88210 | PO #: 105632

Telephone No: 575-748-4217 | Fax No: 575-748-4662 | Report Format: [X] Standard [ ] TRRP [ ] NPDES

Sampler Signature: | e-mail: boba@yatespetroleum.com

(lab use only)
ORDER #: 350003

LAB # (lab use only)	FIELD CODE	Beginning Depth	Ending Depth	Date Sampled	Time Sampled	Field Filtered	Total # of Containers	Preservation & # of Containers: Ice	HNO_3	HCl	H_2SO_4	NaOH	$Na_2S_2O_3$	None	Other (Specify)	Matrix: DW=Drinking Water SL=Sludge GW=Groundwater S=Soil/Solid NP=Non-Potable Specify Other	Analyze For: TCLP: TPH: 418.1 / 8015M	TPH: TX 1005 / TX 1006	Cations (Ca, Mg, Na, K)	Anions (Cl, SO4, Alkalinity)	SAR / ESP / CEC	Metals: As Ag Ba Cd Cr Pb Hg Se	Volatiles	Semivolatiles	TOTAL: BTEX 8021B/5030 or BTEX 8260 / 8015B	RCI	N.O.R.M.	Chlorides	RUSH TAT (Pre-Schedule) 24, 48, 72 hrs	Standard TAT
01	GS/Comp-008	8'	8'	10/26/2009	9:16 AM		1	X								S	X								X					X
02	GS/Comp-010	10'	10'	10/26/2009	9:22 AM		1	X								S	X								X					X
03	GS/Comp-012	12'	12'	10/26/2009	9:31 AM		1	X								S	X								X					X
04	GS/Comp-015	15'	15'	10/26/2009	9:42 AM		1	X								S	X								X					X
05	GS/Comp-018	18'	18'	10/26/2009	9:50 AM		1	X								S	X								X					X

Special Instructions: TPH: 8015B, BTEX: 8021B Thank you.

Relinquished by:	Date	Time	Received by	Date	Time
Robert Asher Rec/UPS	10/27/09	3.05 PM			
Relinquished by	Date	Time	Received by:	Date	Time
Relinquished by: Fedex	Date	Time	Received by ELOT: Andrea Lam	10/28/09	9:35

Laboratory Comments:

Sample Containers Intact?	Y	N
VOCs Free of Headspace?	Y	N
Labels on container(s)	Y	N
Custody seals on container(s)	Y	N
Custody seals on cooler(s)	Y	N
Sample Hand Delivered by Sampler/Client Rep ?	Y	N

by Courier? UPS DHL FedEx Lone Star
4029455
Temperature Upon Receipt: 3.6 °C

Environmental Lab of Texas

Variance/ Corrective Action Report- Sample Log-In

Client: Yates Petroleum

Date/ Time: 10.28.09 9:35

Lab ID # : 350003

Initials: AL

Sample Receipt Checklist

					Client Initials
#1	Temperature of container/ cooler?	(Yes)	No	3.6 °C	
#2	Shipping container in good condition?	(Yes)	No		
#3	Custody Seals intact on shipping container/ cooler?	(Yes)	No	~~Not Present~~ AL	
#4	Custody Seals intact on sample bottles/ container?	(Yes)	No	Not Present	
#5	Chain of Custody present?	(Yes)	No		
#6	Sample instructions complete of Chain of Custody?	(Yes)	No		
#7	Chain of Custody signed when relinquished/ received?	(Yes)	No		
#8	Chain of Custody agrees with sample label(s)?	(Yes)	No	ID written on Cont./ Lid	
#9	Container label(s) legible and intact?	(Yes)	No	Not Applicable	
#10	Sample matrix/ properties agree with Chain of Custody?	(Yes)	No		
#11	Containers supplied by ELOT?	(Yes)	No		
#12	Samples in proper container/ bottle?	(Yes)	No	See Below	
#13	Samples properly preserved?	(Yes)	No	See Below	
#14	Sample bottles intact?	(Yes)	No		
#15	Preservations documented on Chain of Custody?	(Yes)	No		
#16	Containers documented on Chain of Custody?	(Yes)	No		
#17	Sufficient sample amount for indicated test(s)?	(Yes)	No	See Below	
#18	All samples received within sufficient hold time?	(Yes)	No	See Below	
#19	Subcontract of sample(s)?	Yes	No	~~Not Applicable~~	
#20	VOC samples have zero headspace?	(Yes)	No	Not Applicable	

Variance Documentation

Contact: _____ Contacted by: _____ Date/ Time: _____

Regarding: _____

Corrective Action Taken:

Check all that Apply:

- ☐ See attached e-mail/ fax
- ☐ Client understands and would like to proceed with analysis
- ☐ Cooling process had begun shortly after sampling event

Analytical Report 351228

for

Yates Petroleum Corporation

Project Manager: Robert Asher

Dayton FG Battery

30-015-21733

12-NOV-09

12600 West I-20 East Odessa, Texas 79765

Xenco-Houston (EPA Lab code: TX00122):
Texas (T104704215-08-TX), Arizona (AZ0738), Arkansas (08-039-0), Connecticut (PH-0102), Florida (E871002)
Illinois (002082), Indiana (C-TX-02), Iowa (392), Kansas (E-10380), Kentucky (45), Louisiana (03054)
New Hampshire (297408), New Jersey (TX007), New York (11763), Oklahoma (9218), Pennsylvania (68-03610)
Rhode Island (LAO00308), USDA (S-44102)

Xenco-Atlanta (EPA Lab Code: GA00046):
Florida (E87428), North Carolina (483), South Carolina (98015), Utah (AALI1), West Virginia (362), Kentucky (85)
Louisiana (04176), USDA (P330-07-00105)

Xenco-Miami (EPA Lab code: FL01152): Florida (E86678), Maryland (330)
Xenco-Tampa Mobile (EPA Lab code: FL01212): Florida (E84900)
Xenco-Odessa (EPA Lab code: TX00158): Texas (T104704400-08-TX)
Xenco-Dallas (EPA Lab code: TX01468): Texas (T104704295-08-TX)
Xenco-Corpus Christi (EPA Lab code: TX02613): Texas (T104704370-08-TX)
Xenco-Boca Raton (EPA Lab Code: FL00449): Florida(E86240),
South Carolina(96031001), Louisiana(04154), Georgia(917)

12-NOV-09

Project Manager: **Robert Asher**
Yates Petroleum Corporation
105 South Fourth St.
Artesia, NM 88210

Reference: XENCO Report No: **351228**
Dayton FG Battery
Project Address: Eddy County

Robert Asher:

We are reporting to you the results of the analyses performed on the samples received under the project name referenced above and identified with the XENCO Report Number 351228. All results being reported under this Report Number apply to the samples analyzed and properly identified with a Laboratory ID number. Subcontracted analyses are identified in this report with either the NELAC certification number of the subcontract lab in the analyst ID field, or the complete subcontracted report attached to this report.

Unless otherwise noted in a Case Narrative, all data reported in this Analytical Report are in compliance with NELAC standards. Estimation of data uncertainty for this report is found in the quality control section of this report unless otherwise noted. Should insufficient sample be provided to the laboratory to meet the method and NELAC Matrix Duplicate and Matrix Spike requirements, then the data will be analyzed, evaluated and reported using all other available quality control measures.

The validity and integrity of this report will remain intact as long as it is accompanied by this letter and reproduced in full, unless written approval is granted by XENCO Laboratories. This report will be filed for at least 5 years in our archives after which time it will be destroyed without further notice, unless otherwise arranged with you. The samples received, and described as recorded in Report No. 351228 will be filed for 60 days, and after that time they will be properly disposed without further notice, unless otherwise arranged with you. We reserve the right to return to you any unused samples, extracts or solutions related to them if we consider so necessary (e.g., samples identified as hazardous waste, sample sizes exceeding analytical standard practices, controlled substances under regulated protocols, etc).

We thank you for selecting XENCO Laboratories to serve your analytical needs. If you have any questions concerning this report, please feel free to contact us at any time.

Respectfully,

Brent Barron, II
Odessa Laboratory Manager

Sample Cross Reference 351228

Yates Petroleum Corporation, Artesia, NM

Dayton FG Battery

Sample Id	Matrix	Date Collected	Sample Depth	Lab Sample Id
GS/Comp-001	S	Nov-05-09 09:34	1 - 1 ft	351228-001
GS/Comp-002	S	Nov-05-09 09:46	5 - 5 ft	351228-002
GS/Comp-003	S	Nov-05-09 09:56	1 - 1 ft	351228-003

CASE NARRATIVE

Client Name: Yates Petroleum Corporation
Project Name: Dayton FG Battery

Project ID:	*30-015-21733*	*Report Date:*	*12-NOV-09*
Work Order Number:	*351228*	*Date Received:*	*11/06/2009*

Sample receipt non conformances and Comments:

None

Sample receipt Non Conformances and Comments per Sample:

None

Analytical Non Conformances and Comments:

Batch: LBA-780680 Percent Moisture
None

Batch: LBA-781088 TPH by SW 8015B
None

Batch: LBA-781159 BTEX by EPA 8021
SW8021BM

Batch 781159, Benzene, Ethylbenzene, Toluene, m,p-Xylenes, o-Xylene recovered below QC limits in the Matrix Spike and Matrix Spike Duplicate.
Samples affected are: 351228-001, -003, -002.
The Laboratory Control Sample for Toluene, m,p-Xylenes , Benzene, Ethylbenzene, o-Xylene is within laboratory Control Limits

Certificate of Analysis Summary 351228

Yates Petroleum Corporation, Artesia, NM

Project Name: Dayton FG Battery

Project Id: 30-015-21733
Contact: Robert Asher
Project Location: Eddy County

Date Received in Lab: Fri Nov-06-09 09.43 am
Report Date: 12-NOV-09
Project Manager: Brent Barron, II

Analysis Requested											
	Lab Id:	351228-001		351228-002		351228-003					
	Field Id:	GS/Comp-001		GS/Comp-002		GS/Comp-003					
	Depth:	1-1 ft		5-5 ft		1-1 ft					
	Matrix:	SOIL		SOIL		SOIL					
	Sampled:	Nov-05-09 09:34		Nov-05-09 09:46		Nov-05-09 09 56					
BTEX by EPA 8021	*Extracted:*	Nov-10-09 15 30		Nov-10-09 15:30		Nov-10-09 15:30					
	Analyzed:	Nov-10-09 23:30		Nov-10-09 23.51		Nov-11-09 00.12					
	Units/RL:	mg/kg	RL	mg/kg	RL	mg/kg	RL				
Benzene		ND	0.0012	ND	0.0012	ND	0.0011				
Toluene		ND	0.0023	0.0183	0.0023	ND	0.0023				
Ethylbenzene		ND	0.0012	0.0345	0.0012	ND	0.0011				
m,p-Xylenes		ND	0.0023	0.1551	0 0023	ND	0.0023				
o-Xylene		ND	0.0012	0.1583	0 0012	ND	0.0011				
Xylenes, Total		ND	0.0012	0 3134	0.0012	ND	0.0011				
Total BTEX		ND	0.0012	0 3662	0.0012	ND	0.0011				
Percent Moisture	*Extracted:*										
	Analyzed:	Nov-06-09 17:00		Nov-06-09 17:00		Nov-06-09 17 00					
	Units/RL:	%	RL	%	RL	%	RL				
Percent Moisture		13.8	1 00	13.8	1 00	11 3	1 00				
TPH by SW 8015B	*Extracted:*	Nov-09-09 12.00		Nov-09-09 12.00		Nov-09-09 12:00					
	Analyzed:	Nov-10-09 04 12		Nov-10-09 04.38		Nov-10-09 05:04					
	Units/RL:	mg/kg	RL	mg/kg	RL	mg/kg	RL				
C6-C10 Gasoline Range Hydrocarbons		ND	17.4	69.9	17.4	ND	16.9				
C10-C28 Diesel Range Hydrocarbons		ND	17.4	162	17.4	ND	16.9				
Total TPH 8015B		ND	17.4	232	17.4	ND	16.9				

Brent Barron, II
Odessa Laboratory Manager

X In our quality control review of the data a QC deficiency was observed and flagged as noted. MS/MSD recoveries were found to be outside of the laboratory control limits due to possible matrix /chemical interference, or a concentration of target analyte high enough to effect the recovery of the spike concentration. This condition could also effect the relative percent difference in the MS/MSD.

B A target analyte or common laboratory contaminant was identified in the method blank. Its presence indicates possible field or laboratory contamination.

D The sample(s) were diluted due to targets detected over the highest point of the calibration curve, or due to matrix interference. Dilution factors are included in the final results. The result is from a diluted sample.

E The data exceeds the upper calibration limit; therefore, the concentration is reported as estimated.

F RPD exceeded lab control limits.

J The target analyte was positively identified below the MQL and above the SQL.

U Analyte was not detected.

L The LCS data for this analytical batch was reported below the laboratory control limits for this analyte. The department supervisor and QA Director reviewed data. The samples were either reanalyzed or flagged as estimated concentrations.

H The LCS data for this analytical batch was reported above the laboratory control limits. Supporting QC Data were reviewed by the Department Supervisor and QA Director. Data were determined to be valid for reporting.

K Sample analyzed outside of recommended hold time.

JN A combination of the "N" and the "J" qualifier. The analysis indicates that the analyte is "tentatively identified" and the associated numerical value may not be consistent with the amount actually present in the environmental sample.

BRL Below Reporting Limit.

RL Reporting Limit

* Outside XENCO's scope of NELAC Accreditation.

Environmental Lab of Texas

CHAIN OF CUSTODY RECORD AND ANALYSIS REQUEST

12600 West I-20 East
Odessa, Texas 79765

Phone: 432-563-1800
Fax: 432-563-1713

Project Manager: Robert Asher Cooler # YPC-001 Project Name: Dayton FG Battery

Company Name: Yates Petroleum Corporation Project #: 30-015-21733

Company Address: 105 South 4th Street Project Loc: Eddy County

City/State/Zip: Artesia, NM 88210 PO #: 105632

Telephone No: 575-748-4217 Fax No: 575-748-4662 Report Format: [X] Standard [ ] TRRP [ ] NPDES

Sampler Signature: Robert Asher e-mail: boba@yatespetroleum.com

(lab use only)
ORDER #: 351228

LAB # (lab use only)	FIELD CODE	Beginning Depth	Ending Depth	Date Sampled	Time Sampled	Field Filtered	Total #. of Containers	Preservation & # of Containers: Ice	HNO3	HCl	H2SO4	NaOH	Na2S2O3	None	Other (Specify)	Matrix: DW=Drinking Water SL=Sludge GW = Groundwater S=Soil/Solid NP=Non-Potable Specify Other	Analyze For: TCLP/TOTAL: TPH: 418.1 8015M	TPH TX 1005 TX 1006	Cations (Ca, Mg, Na, K)	Anions (Cl, SO4, Alkalinity)	SAR / ESP / CEC	Metals: As Ag Ba Cd Cr Pb Hg Se	Volatiles	Semivolatiles	BTEX 8021B/5030 or BTEX 8260	RCI	N O R.M.	Chlorides	RUSH TAT (Pre-Schedule) 24, 48, 72 hrs	Standard TAT
01	GS/Comp-001	1'	1'	11/5/2009	9:34 AM		1	X								S	X							X					X
02	GS/Comp-002	5'	5'	11/5/2009	9:46 AM		1	X								S	X							X					X
03	GS/Comp-003	1'	1'	11/5/2009	9:56 AM		1	X								S	X							X					X

Special Instructions: TPH: 8015B, BTEX: 8021B Thank you.

Relinquished by	Date	Time	Received by	Date	Time
Robert Asher Rel/UPS	11/05/09	3 33 PM			
Relinquished by	Date	Time	Received by.	Date	Time
Relinquished by: Fedex	Date	Time	Received by ELOT: Andrea Lam	11.6.09	9:43

Laboratory Comments:

Sample Containers Intact?	Y	N
VOCs Free of Headspace?	Y	N
Labels on container(s)	Y	N
Custody seals on container(s)	Y	N
Custody seals on cooler(s)	Y	N
Sample Hand Delivered by Sampler/Client Rep. ?	Y	N

by Courier? UPS DHL (FedEx) Lone Star 4029 1955

Temperature Upon Receipt: 3.6 °C

Environmental Lab of Texas

Variance/ Corrective Action Report- Sample Log-In

Client: Yates Petroleum

Date/ Time: 11.6.09 9:43

Lab ID # : 351278

Initials. AL

Sample Receipt Checklist

					Client Initials
#1	Temperature of container/ cooler?	(Yes)	No	3.6 °C	
#2	Shipping container in good condition?	(Yes)	No		
#3	Custody Seals intact on shipping container/ cooler?	(Yes)	No	Not Present	
#4	Custody Seals intact on sample bottles/ container?	(Yes)	No	Not Present	
#5	Chain of Custody present?	(Yes)	No		
#6	Sample instructions complete of Chain of Custody?	(Yes)	No		
#7	Chain of Custody signed when relinquished/ received?	(Yes)	No		
#8	Chain of Custody agrees with sample label(s)?	(Yes)	No	ID written on Cont./ Lid	
#9	Container label(s) legible and intact?	(Yes)	No	Not Applicable	
#10	Sample matrix/ properties agree with Chain of Custody?	(Yes)	No		
#11	Containers supplied by ELOT?	(Yes)	No		
#12	Samples in proper container/ bottle?	(Yes)	No	See Below	
#13	Samples properly preserved?	(Yes)	No	See Below	
#14	Sample bottles intact?	(Yes)	No		
#15	Preservations documented on Chain of Custody?	(Yes)	No		
#16	Containers documented on Chain of Custody?	(Yes)	No		
#17	Sufficient sample amount for indicated test(s)?	(Yes)	No	See Below	
#18	All samples received within sufficient hold time?	(Yes)	No	See Below	
#19	Subcontract of sample(s)?	Yes	No	(Not Applicable)	
#20	VOC samples have zero headspace?	(Yes)	No	Not Applicable	

Variance Documentation

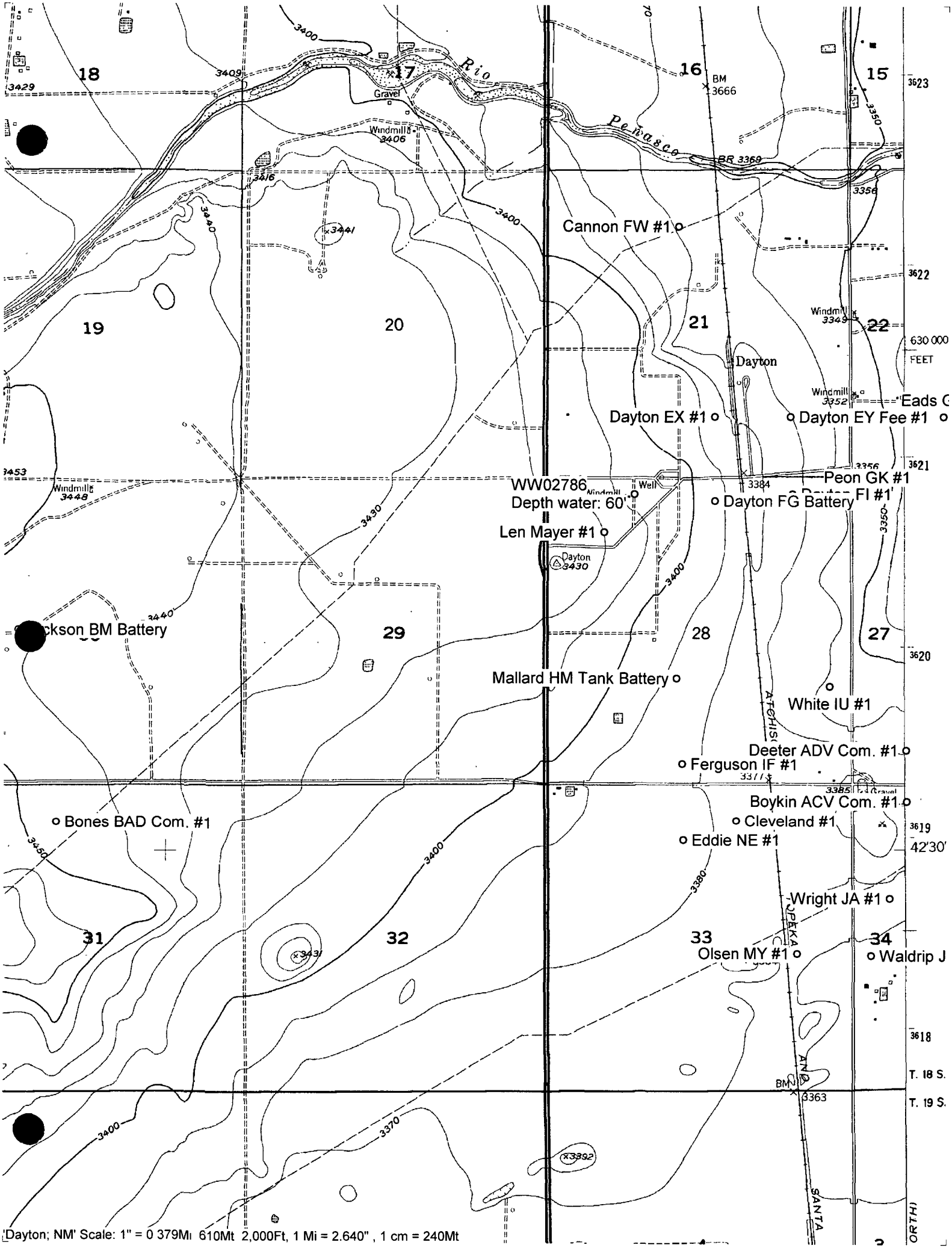
Contact: _____ Contacted by: _____ Date/ Time: _____

Regarding: _____

Corrective Action Taken: _____

Check all that Apply:

- ☐ See attached e-mail/ fax
- ☐ Client understands and would like to proceed with analysis
- ☐ Cooling process had begun shortly after sampling event


Cannon FW #1
Dayton EX #1
Dayton EY Fee #1
WW02786
Depth water: 60'
Dayton FG Battery
Peon GK #1
Len Mayer #1
Mallard HM Tank Battery
White IU #1
Deeter ADV Com. #1
Ferguson IF #1
Boykin ACV Com. #1
Bones BAD Com. #1
Cleveland #1
Eddie NE #1
Wright JA #1
Olsen MY #1
Waldrip J
Dayton
Rio Pecos
Gravel
Windmill
Well
BM 3666
BM 3363
630 000 FEET
42'30'
T. 18 S.
T. 19 S.
'Dayton; NM' Scale: 1" = 0 379Mi 610Mt 2,000Ft, 1 Mi = 2.640" , 1 cm = 240Mt

Bratcher, Mike, EMNRD

From: Bratcher, Mike, EMNRD
Sent: Thursday, November 19, 2009 8:11 AM
To: 'Bob Asher'
Cc: Jerry Fanning
Subject: RE: Dayton FG Battery

As agreed, thanks Bob.

Mike Bratcher

From: Bob Asher [mailto:BobA@yatespetroleum.com]
Sent: Tuesday, November 17, 2009 10:59 AM
To: Bratcher, Mike, EMNRD
Cc: Jerry Fanning
Subject: Dayton FG Battery

Mike,

Per our conversation today, November 17, 2009, on the work plan submitted for the Dayton FG Battery, Yates will have a contractor excavate an additional two (2) feet of impacted soils on the north half of the current excavation (to a total depth of 10'). Impacted soils will be taken to an NMOCD approved facility. When soils have been removed the scope of work described in the work plan will be started.

Thank you.

Robert Asher
Yates Petroleum Corporation
boba@yatespetroleum.com
575-748-4217 (Office)
575-365-4021 (Cell)
575-748-4662 (Fax)