



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. 4th St.

Artesia, NM 88210

Attn: Dan Dolan

November 15, 2005

Reference: Big Eddy Unit 079Y (SWD) J-21-21s-28e API: 30-015-23385

Mr. Dolan,

The NMOCD District II office is in receipt of the brief work plan submitted for remediation of contamination present at the above referenced well site. As per my letter dated October 12, 2005, delineation of contaminants at this site was to commence no later than October 28, 2005. The remediation plan was to be submitted based on delineation results and site ranking. As stated in the October 12 letter, and again in a letter dated October 27, 2005, the NMOCD District II office is to be notified 24 hours prior to commencement of operations. As of the date of this letter, no notification has been provided and delineation work, to my knowledge, has not commenced.

At this time, the work plan presented is accepted with the following observations and stipulations:

1. Yates Petroleum Corporation ignored the request for delineation operations to commence by October 28, 2005.
2. Yates Petroleum Corporation ignored the request for the remediation work plan to be based on delineation results and site ranking.
3. Remediation work on this site is to commence no later than November 25, 2005. Remediation of this site is to be completed no later than January 2, 2006.
4. A Final Report C-141 with confirmation sample analysis is to be submitted to the NMOCD District II office no later than January 13, 2006.
5. As is required with all remediation projects, the NMOCD District II office is to be notified 24 hours prior to commencement of activities.
6. As is required with all remediation projects, the NMOCD District II office is to be notified 24 hours prior to obtaining samples where analysis of samples obtained are to be submitted to the NMOCD.
7. Like approval by BLM if applicable.
8. Since no site ranking was provided, the Recommended Remediation Action Levels for contaminants at this site are as follows:

Benzene	10 ppm
BTEX	50 ppm
TPH	100 ppm
Chlorides	250 mg/kg

In the event any other contaminants or constituents of concern are encountered, remediation methods and levels will be determined at time of discovery.

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

Contact information for notification is listed on page 2 of this letter.

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Sincerely,



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Alternate notification contacts:

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Email Distribution: Dan Dolan, Lisa Norton (Yates Petroleum Corporation)
Tim Gum, Van Barton, Daniel Sanchez, Cheryl OConner (NMOCD)

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