

AUG 03 2018

Form 3160-5  
(June 2015)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

FORM APPROVED  
OMB NO. 1004-0137  
Expires: January 31, 2018

**SUNDRY NOTICES AND REPORTS ON WELLS**  
*Do not use this form for proposals to drill or to re-enter an abandoned well. Use form 3160-3 (APD) for such proposals.*

5. Lease Serial No.  
751081035

6. If Indian, Allottee or Tribe Name  
UTE MOUNTAIN UTE

7. If Unit or CA/Agreement, Name and/or No.

**SUBMIT IN TRIPLICATE - Other instructions on page 2**

8. Well Name and No.  
HSGU 195

9. API Well No.  
30-045-10215-00-S1

10. Field and Pool or Exploratory Area  
HORSESHOE GALLUP

11. County or Parish, State  
SAN JUAN COUNTY, NM

1. Type of Well  
 Oil Well  Gas Well  Other

2. Name of Operator  
BIYA OPERATORS INC  
Contact: JUBAL S TERRY  
E-Mail: Jterry@diversifiedresourcesinc.com

3a. Address  
801 W. MINERAL AVE. STE 202  
LITTLETON, CO 80120  
3b. Phone No. (include area code)  
Ph: 303-797-5417 Ext: 232  
Fx: 303-797-5418

4. Location of Well (Footage, Sec., T., R., M., or Survey Description)  
Sec 35 T31N R16W SWNW 1910FNL 660FWL

12. CHECK THE APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

TYPE OF SUBMISSION	TYPE OF ACTION			
<input checked="" type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-Off
<input type="checkbox"/> Subsequent Report	<input type="checkbox"/> Alter Casing	<input type="checkbox"/> Hydraulic Fracturing	<input checked="" type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment Notice	<input type="checkbox"/> Casing Repair	<input type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input type="checkbox"/> Other
	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

13. Describe Proposed or Completed Operation: Clearly state all pertinent details, including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recomplete horizontally, give subsurface locations and measured and true vertical depths of all pertinent markers and zones. Attach the Bond under which the work will be performed or provide the Bond No. on file with BLM/BIA. Required subsequent reports must be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompletion in a new interval, a Form 3160-4 must be filed once testing has been completed. Final Abandonment Notices must be filed only after all requirements, including reclamation, have been completed and the operator has determined that the site is ready for final inspection.

Pursuant to the Notice of Incidents of Noncompliance #18RJ011 BIYA Operators, Inc. respectfully submits the 195 line leak work plan.

SEE ATTACHED  
CONDITIONS OF APPROVAL

NMOC  
OCT 04 2018  
DISTRICT III

14. I hereby certify that the foregoing is true and correct.

**Electronic Submission #429918 verified by the BLM Well Information System  
For BIYA OPERATORS INC, sent to the Durango  
Committed to AFMSS for processing by BARBARA TELECKY on 08/03/2018 (18BDT0095SE)**

Name (Printed/Typed) JUBAL S TERRY Title V.P. EXPLORATION

Signature (Electronic Submission) Date 08/03/2018

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved By  Title Msc Date 10/2/2018

Conditions of approval, if any, are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.

Office

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

(Instructions on page 2)

\*\* BLM REVISED \*\*

NMOC

19

**Revisions to Operator-Submitted EC Data for Sundry Notice #429918**

	<b>Operator Submitted</b>	<b>BLM Revised (AFMSS)</b>
Sundry Type:	RECL NOI	RECL NOI
Lease:	751081035	751081035
Agreement:		
Operator:	BIYA OPERATORS, INC. 801 W. MINERAL AVE. SUITE 202 LITTLETON, CO 80120 Ph: 303-797-5417	BIYA OPERATORS INC 801 W. MINERAL AVE. STE 202 LITTLETON, CO 80120 Ph: 303.797.5417 Fx: 303-797-5418
Admin Contact:	JUBAL S TERRY V.P. EXPLORATION E-Mail: Jterry@diversifiedresourcesinc.com  Ph: 303-797-5417 Ext: 232 Fx: 303-797-5418	JUBAL S TERRY V.P. EXPLORATION E-Mail: Jterry@diversifiedresourcesinc.com  Ph: 303-797-5417 Ext: 232 Fx: 303-797-5418
Tech Contact:	JUBAL S TERRY V.P. EXPLORATION E-Mail: Jterry@diversifiedresourcesinc.com  Ph: 303-797-5417 Ext: 232 Fx: 303-797-5418	JUBAL S TERRY V.P. EXPLORATION E-Mail: Jterry@diversifiedresourcesinc.com  Ph: 303-797-5417 Ext: 232 Fx: 303-797-5418
Location:		
State:	NM	NM
County:	SAN JUAN	SAN JUAN
Field/Pool:	HORSESHOE GALLUP	HORSESHOE GALLUP
Well/Facility:	HGU 195 Sec 35 T31N R16W Mer NMP SWNW 1910FNL 660FWL 36.895466 N Lat, 108.501152 W Lon	HSGU 195 Sec 35 T31N R16W SWNW 1910FNL 660FWL

**Department Of Interior- Bureau of Land Management – Tres Rios Field Office – COAs**

**Well Name/Number: HSGU #195**

**Operator: BIYA**

**Surface/Mineral Ownership: IND/IND**

**Leases: 751081035**

**Location: (STR, QQ) S35,T31N, R16W**

**API:3004510215**

**PAD(X), ACCESS (), PIPELINE ( )**

REQUIREMENTS AT ALL SITES:

**Soil/Excavation: (These are comments to clarify the requirements based on the implementation of the plan and the IMDA criteria)**

1. Operator must replace all contaminated material with clean, in-kind soil of a quality as good as or better than what is found on pg 7, Exhibit B, of the IMDA.
2. Operator will excavate soils per the guidelines found on pg 13, Exhibit B, of the IMDA.
3. Operator will remove soils to an approved facility pursuant to pg 14, Exhibit B, of the IMDA.

**Sampling: (These are comments to clarify the requirements based on the implementation of the plan and the IMDA criteria)**

4. Exhibit B of the IMDA ranks this site over 20 points per NMOCD soil contamination standards. Operator will sample for the full table of NMOCD soil contaminants found on pg 7, Exhibit B of the HSGU IMDA:
  - a. Benzene- 10 ppm limit
  - b. BTEX- 50 ppm limit
  - c. TPH (DRO + GRO + MRO)- 100 ppm limit
5. Samples must follow EPA Method 602/8020 for Benzene and BTEX totals. (See IMDA, Exhibit B, Page 10)
6. Samples must follow EPA Method 418.1 or EPA Method Modified 8015 for TPH. (See IMDA, Exhibit B, Page 10)

**Monitoring: (These are comments to clarify the requirements based on the implementation of the plan and the IMDA criteria)**

7. Operator must submit plans to include 3-4 monitoring wells, to be installed down gradient of contamination for the entire HSGU field. Plans submitted must be pursuant to pages 10-11 of Exhibit B of the approved IMDA.
8. Operator will include proposed dates for the start of construction, implementation of monitoring, as well as timeline of deliverables along with the plan for monitoring wells, submitted for approval to the Tres Rios Field Office, pursuant to all applicable sections of the IMDA.

**Completed Reclamation of Spill: (These are comments to clarify the requirements based on the implementation of the plan and the IMDA criteria)**

9. Operator will submit closure and final reports via Sundry Notice pursuant to pg 16, Exhibit B, of the IMDA.

**At this site specifically:**

**Background: (These are comments to clarify the requirements based on the implementation of the plan and the IMDA criteria)**

10. (COA) Operator must show evidence of properly capped pipelines. (See IMDA, Exhibit B, Page 3)

**Soils/Erosion: (These are comments to clarify the requirements based on the implementation of the plan and the IMDA criteria)**

11. (Comment) Operator will change all "Stormwater" subsections to "soils" or "erosion".

12. (COA) Operator must submit documentation of weekly field inspections for integrity of the silt fences to the BLM, UMU tribe, and BIA UMU agency. (Proposed Action Plan, Page 2)

13. (COA) Operator may not stock pile material in or adjacent to Eagle's Nest Arroyo. All material excavated for remedial activities will be contained in a steel container or equivalent device, capable of containing all liquid and solid materials.

**Sampling: (These are comments to clarify the requirements based on the implementation of the plan and the IMDA criteria)**

14. (COA) Operator will submit a minimum of 5 discrete samples, for each wall, base, or side excavation.

**Winter Closure:**

15. (Comment) Operator will remove the winter closer section of the approved work plan.

**Completed Reclamation of Spill: (These are comments to clarify the requirements based on the implementation of the plan and the IMDA criteria)**

16. (Comment) Operator will amend reclamation standards to be appropriate for reclamation within an intermittent or ephemeral stream. Normal seeding, mulching and reclamation practices will need to be amended to be both site appropriate, as well as compliant to the standards found in the approved IMDA.

**Timeframe:**

17. (COA) Operator will have all work completed by December 17<sup>th</sup>, 2018.

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Ryan N.Joyner  
Natural Resource Specialist

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Date

BLM-Minerals Division



August 3, 2018

SMA #5127323

BLM Tres Rios Field Office  
29211 Highway 187  
Dolores, CO 81323  
Attn: Mr. Ryan Joyner

**RE: 195 LINE LEAK WORK PLAN**

Dear Mr. Joyner:

On behalf of BIYA Operators, Inc. (BIYA), Souder, Miller & Associates (SMA) is pleased to submit this work plan for stormwater best management practices (BMPs) and release characterization activities at the BIYA Operators, Inc., 195 Line Leak release site. The site is located in Unit E, Section 35, Township 31 North, Range 16 West; GPS: 36.859040, -108.500910, in San Juan County, New Mexico on Ute Mountain Ute Tribal lands within the jurisdiction of the Bureau of Land Management (BLM).

**1.0 BACKGROUND**

On November 26, 2016, BIYA discovered an oil spill associated with the 195 pipeline. The cause of the release was due to an impaired flowline discovered while flushing the line for abandonment. BIYA has begun excavation activities to remove hydrocarbon impacted soil, but an open excavation remains exposed to stormwater. The pipeline in the excavation has been removed and capped. BIYA has submitted a pre-construction notification to the Army Corps of Engineers (ACOE) for Nationwide Permit #38. As of the date on this work plan, a response letter from the ACOE has not been received.

On July 25, 2018, an SMA representative conducted a site visit with Mr. Ryan Laird of BIYA. Photo documentation and GPS measurements were taken while on site. SMA observed that the pipelines had been cut and capped. SMA observed staining on the southwest base of the excavation. Staining was also observed along the southwestern wall along the base of the excavation. Figure 2 demonstrates the extent of the excavation and observed staining.

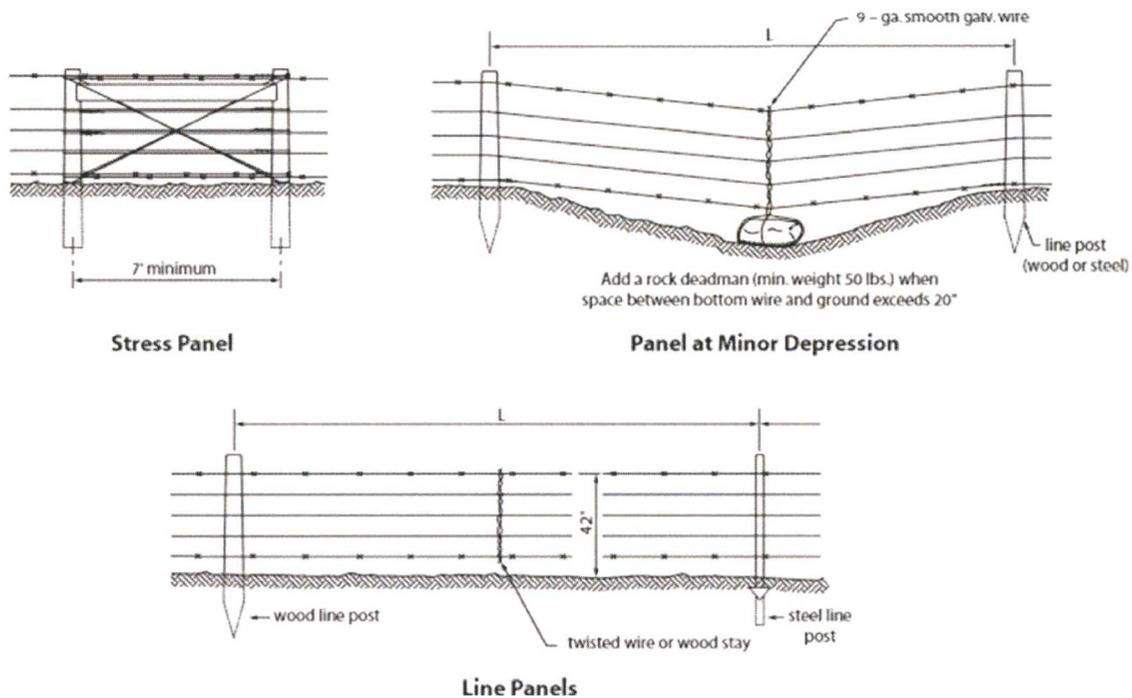
Additional background information provided by BIYA is included as an attachment to this work plan.

#### 4.0 WINTER CLOSURE

In the event that the excavation remains open on October 31, 2018, fencing will be installed to prevent the access by persons, wildlife, or livestock. Work will immediately continue when winter closure is lifted.

Stormwater best management practices as listed in Section 2.0 will continue and remain and continue during this time.

Fencing will be installed as shown in the diagram below:



#### 5.0 SAMPLING

SMA collect four (6) discreet samples from the base and west wall of the excavation (3 samples from the base and 3 from the west wall) referencing the leak location and previously observed soil staining. A background sample will be collected near the location in an undisturbed area.

The laboratory samples will be sent under chain-of-custody protocols for analysis for total petroleum hydrocarbons, cation, anion, EC and SAR.

Upon receipt, sample results will be made available to the UMUT, BLM, and BIA. Results will be analyzed for compliance with pollutant concentrations in soil found in the *Standards for Spill Clean-up and Reclamation Ute Mountain Ute Tribe 2018*.

## FIGURES



**LEGEND**

-  EXCAVATION BOUNDARY
-  OBSERVED STAINING
-  SILT FENCE
-  COMPACT EARTHEN BERM
-  CAPPED PIPELINE
-  PROPOSED EXCAVATION



SCALE: 1" = 40'

Designed AM	Drawn DJB	Checked RSA
<p><b>FIGURE 2</b></p> <p>Project No. 5127323</p> <p>Date 2-Aug-18</p> <p>Scale Horiz. 1"=40'</p> <p>Vert. -</p>		

**SMA**  
Engineering  
Environmental  
Surveying

**SOUDER, MILLER & ASSOCIATES**  
401 West Broadway Avenue  
Farmington, NM 87401-5907  
Phone (505) 325-7535 Toll-Free (800) 519-0098 Fax (505) 326-0045  
Serving the Southwest & Rocky Mountains  
www.soudermiller.com

UMUT

WATERFLOW, NEW MEXICO

**SITE MAP**  
**LOCATION #195**  
**SECTION 35, T31N, R16W**

**Standards for Spill Clean-up and Reclamation**  
**Ute Mountain Ute Tribe**  
**2018**

Note: Samples must be collected by a qualified professional and samples analyzed by a qualified laboratory (EPA certification recommended). At a minimum sufficient quality assurance/quality control data should be provided with analyses. These should be sent to Scott Clow, Environmental Programs Director, PO Box 448, Towaoc, CO 81334, or delivered to 520 Sunset Blvd. Towaoc, CO during regular business hours of 8 am to 4:30 pm, Monday through Friday. Other contact information: (970) 564-5432; FAX (970) 565-2651; cellular phone (970) 570-3546.

The Ute Mountain Ute Environmental Programs Department can do sampling on behalf of the Operator/Leasee with the understanding that analytical costs will be reimbursed to the Tribe.

**Pollutant Concentrations in Soil and Water**

CONCENTRATION LEVELS	Contaminant of Concern	Concentrations
<b>Organic Compounds in Soil</b>		
TPH (total volatile and hydrocarbons)	total extractable petroleum	500 mg/kg
Benzene		0.17 mg/kg <sup>2</sup>
Toluene		85 mg/kg <sup>2</sup>
Ethylbenzene		100 mg/kg <sup>2</sup>
Xylenes (total)		175 mg/kg <sup>2</sup>
Acenaphthene		1,000 mg/kg <sup>2</sup>
Anthracene		1,000 mg/kg <sup>2</sup>
Benzo(A)anthracene		0.22 mg/kg <sup>2</sup>
Benzo(B)fluoranthene		0.22 mg/kg <sup>2</sup>
Benzo(K)fluoranthene		2.2 mg/kg <sup>2</sup>
Benzo(A)pyrene		0.022 mg/kg <sup>2</sup>
Chrysene		22 mg/kg <sup>2</sup>
Dibenzo(A,H)anthracene		0.022 mg/kg <sup>2</sup>
Fluoranthene		1,000 mg/kg <sup>2</sup>
Fluorene		1,000 mg/kg <sup>2</sup>
Indeno(1,2,3,C,D)pyrene		0.22 mg/kg <sup>2</sup>
Napthalene		23 mg/kg <sup>2</sup>

## 195 Flowline Historical Release

1. The HGU 195 line release was a result of BIYA flushing and abandoning this line. The release occurred along flow line in between the Header and the well head on 11/26/2016.
2. 11/2016 oil released on surface was removed to the land farm.
3. Additional staining was observed and formal cleanup began 9/14/17
4. 9/14/2017 through 11/15/17 resumed clean up and took contents to the landfarm.
5. 11/15/2017 Shut down cleanup operations for winter
6. 11/14/2017 installed fence around perimeter.
7. Waiting on Souder Miller to provide clean up and closure plan

**Department Of Interior- Bureau of Land Management – Tres Rios Field Office – COAs**

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Ryan N.Joyner  
Natural Resource Specialist

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Date

BLM-Minerals Division