MARTIN YATES, III

FRANK W. YATES

S.P. YATES



105 SOUTH FOURTH STREET

ARTESIA, NEW MEXICO 88210-2118

TELEPHONE (575) 748-1471

JOHN A. YATES
CHAIRMAN OF THE BOARD
PRESIDENT

JOHN A. YATES JR.
ASSISTANT TO THE PRESIDENT

JAMES S. BROWN

JOHN D. PERINI CHIEF FINANCIAL OFFICER

November 3, 2009

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

Re:

King SWD #1 30-015-20257

Section 9, T20S-R25E Eddy County, New Mexico RECEIVED

APR 0 6 2011

NMOCD ARTESIA

Dear Mr. Bratcher.

Enclosed please find a Form C-141, Final Report for the above captioned site regarding the release on September 12, 2009 (15 B/PW released with 10 B/PW recovered). The release was from a poly line on the discharge side of the pump. Impacted soils were scraped and taken to an NMOCD approved facility and samples were taken on that 9/29/2009 for delineation per the C-141, Initial Report. Those samples were sent to an OCD approved laboratory for analysis (results are below RRAL's based on the site ranking, chloride results are for documentation). Based on the analytical results for the chlorides an addition 6-8" of impacted soils were excavated and taken to an NMOCD approved facility. Site ranking is zero (0), with the depth to ground water >100' (approximately 249' per the NM Office of the State Engineer. Based on the information enclosed, Yates Petroleum Corporation requests closure.

If you have any questions, please call me at 575-748-4217.

Thank you.

YATES PETROLEUM CORPORATION

Robert Asher

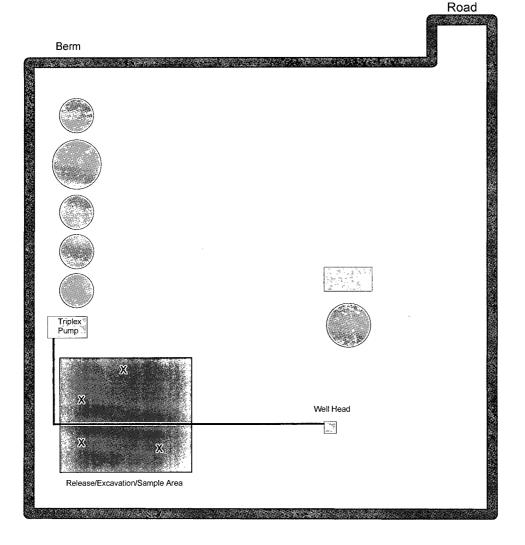
Environmental Regulatory Agent

/rca

Enclosure(s)



Lease



Sample ID	Sample Area	Sample Date	Sample Type	Depth	BTEX	GRO	DRO	TOTAL	Chlorides
GS/Comp+001	Release Area	9/29/2009	Grab/Auger	4"	ND	ND	ND	ND	7770
GS/Comp-002	Release Area	9/29/2009	Grab/Auger	1'	ND	ND	ND	ND	104
GS/Comp-003	Release Area	9/29/2009	Grab/Auger	2'	ND	ND	ND	ND	290

Site Ranking is Zero (0). Depth to Ground Water >100' (approx. 249', per New Mexico State Engineer Office). All results are ppm. Chloride results are for documentation.

Soils from GS/Comp-001 were excavated/hauled to an NMOCD Facility.



King SWD #1

30-015-20257

Section 9, T20S-R25E

Eddy County, NM

SAMPLE DIAGRAM (Not to Scale)

Xenco Laboratories: #346492 & 346493

Report Date: 10/5/2009

Prepared by Robert Asher Environmental Regulatory Agent

Analytical Report 346493

for

Yates Petroleum Corporation

Project Manager: Robert Asher

King SWD # 1 30-015-20257

05-OCT-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 (AALII), 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)



05-OCT-09



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

Reference: XENCO Report No: 346493

King SWD # 1

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 346493. 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. 346493 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

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Sample Cross Reference 346493



Yates Petroleum Corporation, Artesia, NM

King SWD # 1

Sample Id	Matrix	Date Collected	Sample Depth	Lab Sample Id
GS/Comp-001	S	Sep-29-09 10:22	4 - 4 In	346493-001
GS/Comp-002	S	Sep-29-09 10:36	1 - 1 ft	346493-002
GS/Comp-003	S	Sep-29-09 10:50	2 - 2 ft	346493-003





Client Name: Yates Petroleum Corporation

Project Name: King SWD # 1

Project ID:

30-015-20257

Work Order Number: 346493

Report Date: 05-OCT-09

Date Received: 09/30/2009

Sample receipt non conformances and Comments:

None

Sample receipt Non Conformances and Comments per Sample:

None

Analytical Non Conformances and Comments:

Batch: LBA-775057 Percent Moisture

AD2216A

Batch 775057, Percent Moisture RPD is outside the QC limit. This is most likely due to sample

non-homogeneity.

Samples affected are: 346493-001, -002, -003.

Batch: LBA-775234 Inorganic Anions by EPA 300

None



Certificate of Analysis Summary 346493

Yates Petroleum Corporation, Artesia, NM

Project Name: King SWD # 1

anela.

Project Id: 30-015-20257

Project Location: Eddy County

Contact: Robert Asher

Date Received in Lab: Wed Sep-30-09 09:35 am

Report Date: 05-OCT-09

Project Manager: Brent Barron, II

			,				~	Troject Manager.	25.0110 25011.011, 11	
	Lab Id:	346493-0	01	346493-0	002	346493-0	003			
Analysis Requested	Field Id:	GS/Comp-	001	GS/Comp-	002	GS/Comp-	003			
Analysis Requested	Depth:	4-4 In		1-1 ft		2-2 ft				
	Matrix:	SOIL		SOIL		SOIL				
	Sampled:	Sep-29-09 1	0:22	Sep-29-09 1	10:36	Sep-29-09 1	0:50			
Anions by E300	Extracted:									
	Analyzed:	Oct-01-09 1	3:06	Oct-01-09 1	3:06	Oct-01-09 1	3:06			
	Units/RL:	mg/kg	RL	mg/kg	RL	mg/kg	RL			
Chloride		7770	460	104	52.7	290	26.4	-		
Percent Moisture	Extracted:					,				
	Analyzed:	Oct-01-09 I	0:10	Oct-01-09 1	10:10	Oct-01-09 1	0:10			
	Units/RL:	%	RL	%	RL	%	RL			
Percent Moisture		8,65	1.00	20.3	1.00	20.4	1.00			

This analytical report, and the entire data package it represents, has been made for your exclusive and confidential use. The interpretations and results expressed throughout this analytical report represent the best judgment of XENCO Laboratories assumes no responsibility and makes no warranty to the end use of the data hereby presented. Our liability is limited to the amount invoiced for this work order unless otherwise agreed to in writing.

Since 1990 Houston - Dallas - San Antonio - Austin - Tampa - Miami - Latin America - Atlanta - Corpus Christi

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.

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Phone Fax (281) 240-4200 (281) 240-4280 4143 Greenbriar Dr, Stafford, Tx 77477 (214) 902 0300 (214) 351-9139 9701 Harry Hines Blvd, Dallas, TX 75220 (210) 509-3334 (210) 509-3335 5332 Blackberry Drive, San Antonio TX 78238 (813) 620-2000 (813) 620-2033 2505 North Falkenburg Rd, Tampa, FL 33619 (305) 823-8500 (305) 823-8555 5757 NW 158th St, Miami Lakes, FL 33014 (432) 563-1800 (432) 563-1713 12600 West I-20 East, Odessa, TX 79765 (361) 884-0371 (361) 884-9116 842 Cantwell Lane, Corpus Christi, TX 78408

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	Company Name	Yates Petroleum Corpora	tion		**************************************	·									-		Pro	jac	t #: _	30-0	15-	2025	57						~~~~	
	Company Address;	105 South 4In Street					313	57							_	P	roju	C1 L	oc: 1	Eddy	Cau	nty.								
	City/State/Zip:	Artesla, NM B8210					8-1											PC	# ;	056	32									
	Telephone No:	575-748-921%				Fax No:	57	5.7.	48-4	ie 2					 Re	port	Fon	mat	; [.	s	Land	લાલ			T FR	RP	[PDE	s
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Environmental Lab of Texas

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Date/ Time.	9-30-09	9:35				
ab ID # ·	346492 /	346493				
nitials:		IL				
		Sample Receipt	Checklist			
						Client Initials
	nure of container/ cool	····	(Yes)	No	1.60 °C	
	container in good con		Yes	No		
	Seals intact on shipping		(Yes)	No	Not Present	
	Seals intact on sample	e bottles/ container?	(Yes	No	Not Present	
	Custody present?		(Yes)	No		
	instructions complete		(Yes)	No		
		relinguished/ received?	(Yes)	No		ļ
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	s in proper container/	0000191	(Yes)		Sec Below	
	s properly preserved?			No No	See Below	
	bottles intact? rations documented or	Chain of Cuntarius	(Yes)	No	ļ	
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	nt sample amount for		(kes)	No	See Below	
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Page 11 of 11

Analytical Report 346492

for

Yates Petroleum Corporation

Project Manager: Robert Asher

King SWD # 1 30-015-20257

05-OCT-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)

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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)



05-OCT-09



Project Manager: Robert Asher Yates Petroleum Corporation

105 South Fourth St. Artesia, NM 88210

Reference: XENCO Report No: 346492

King SWD # 1

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 346492. 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.

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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

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Sample Cross Reference 346492



Yates Petroleum Corporation, Artesia, NM

King SWD # 1

Sample Id	Matrix	Date Collected	Sample Depth	Lab Sample Id
GS/Comp-001	S	Sep-29-09 10:22	4 - 4 In	346492-001
GS/Comp-002	S	Sep-29-09 10:36	1 - 1 ft	346492-002
GS/Comp-003	S	Sep-29-09 10:50	2 - 2 ft	346492-003

CASE NARRATIVE



Client Name: Yates Petroleum Corporation

Project Name: King SWD # 1

Project ID:

30-015-20257

Work Order Number: 346492

Report Date: 05-OCT-09

Date Received: 09/30/2009

Sample receipt non conformances and Comments:

None

Sample receipt Non Conformances and Comments per Sample:

None

Analytical Non Conformances and Comments:

Batch: LBA-775057 Percent Moisture

AD2216A

Batch 775057, Percent Moisture RPD is outside the QC limit. This is most likely due to sample

non-homogeneity.

Samples affected are: 346492-002, -001, -003.

Batch: LBA-775494 TPH by SW 8015B

None

Batch: LBA-775555 BTEX-MTBE EPA 8021B

SW8021BM

Batch 775555, Benzene, Ethylbenzene, Toluene, o-Xylene recovered below QC limits in the Matrix Spike and Matrix Spike Duplicate. m,p-Xylenes recovered below QC limits in the Matrix Spike Duplicate.

Samples affected are: 346492-002, -001, -003.

The Laboratory Control Sample for Toluene, m,p-Xylenes, Benzene, Ethylbenzene, o-Xylene is within laboratory Control Limits



Certificate of Analysis Summary 346492

Yates Petroleum Corporation, Artesia, NM

Project Name: King SWD # 1

enelo.

Project Id: 30-015-20257 Contact: Robert Asher

Project Location: Eddy County

Date Received in Lab: Wed Sep-30-09 09:35 am

Report Date: 05-OCT-09

oject i acation: Eddy County								Project Manager:	Brent Barron, II	
	Lab Id:	346492-001		346492-0	02	346492-0	003			
Analysis Posts set of	Field Id:	GS/Comp-00	ı	GS/Comp-	002	GS/Comp	-003			
Analysis Requested	Depth:	4-4 In		l-l fi		2-2 ft				
	Matrix:	SOIL		SOIL		SOIL		4		
	Sampled:	Sep-29-09 10:2	22	Sep-29-09 I	0:36	Sep-29-09	10:50			
BTEX by EPA 8021B	Extracted:	Oct-02-09 16:	15	Oct-02-09 1	6:15	Oct-02-09	16:15			
	Analyzed:	Oct-03-09 13:	05	Oct-03-09 1	3:26	Oct-03-09	14:29			
	Units/RL:	mg/kg	RL	mg/kg_	RL	mg/kg	RL			
Benzene		ND 0.0	0011	ND	0.0013	ND	0.0012			
Toluene		ND 0.0	0022	ND	0.0025	ND	0.0025			
Ethylbenzene		ND 0.0	0011	ND	0.0013	ND	0.0012			
m,p-Xylenes		ND 0.0	0022	ND	0.0025	ND	0.0025			
o-Xylene		ND 0.0	011	ND	0.0013	ND	0.0012			
Total Xylenes		ND 0.0	0011	ND	0.0013	ND	0.0012			
Total BTEX		ND 0.0	0011	ND	0.0013	ND	0.0012		-	
Percent Moisture	Extracted:									
	Analyzed:	Oct-01-09 10:	10	Oct-01-09 1	0:10	Oct-01-09	10:10			
	Units/RL:	%	RL	%	RL	%	RL			
Percent Moisture		8.65	1.00	20.3	1.00	20.4	1.00			
TPH By SW8015B Mod	Extracted:	Oct-04-09 13:	36	Oct-04-09 1	3:36	Oct-04-09	13:36			
	Analyzed:	Oct-05-09 05:	19	Oct-05-09 0	5:44	Oct-05-09	06:08			
	Units/RL:	mg/kg	RL	mg/kg	RL	mg/kg	RL			
C6-C10 Gasoline Range Hydrocarbons		ND	16.4	ND	18.8	ND	18.9			
C10-C28 Diesel Range Hydrocarbons		ND	16.4	ND	18.8	ND	18.9			
Total TPH		ND	16.4	ND	18.8	ND	18.9			

This analytical report, and the entire data package it represents, has been made for your exclusive and confidential use. The interpretations and results expressed throughout this analytical report represent the best judgment of XENCO Laboratories. XENCO Laboratories assumes no responsibility and makes no warranty to the end use of the data hereby presented. Our liability is limited to the amount invoiced for this work order unless otherwise agreed to in writing.

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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.

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Environmental Lab of Texas

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Sample Receipt	Checklist			
	· · · · · · · · · · · · · · · · · · ·		·	lent Initials
Temperature of container/ cooler?	(Yes)	No	1.60 °C	
Shipping container in good condition?	(Yes)	No		
Custody Seals intaction shipping container/ ocoler?	(Yes)	No	Not Present	
Custody Seals intact on sample bottles/ container?	(Yes/	No	Not Present	
Chain of Gustody present?	(Yes) ·	Νο	<u> </u>	
Sample instructions complete of Chain of Custody?	(res)	No		
Chain of Custody signed when relinquished/ received?	(Yes)	No		
Chain of Custody agrees with sample label(s)?	(((((((((((((((((((No	ID written on Cont./ Lld	
Container label(s) legible and intact?	Yes	No	Not Applicable	
Sample matrix/ properties agree with Chain of Custody?	(Yas)	No.		·
11 Containers supplied by ELOT?	(Yes	No	<u> </u>	
2 Samples in proper container/ bottle?	(Yes)	No	See Below	
3 Samples properly preserved?	(Aeg)	No	See Salow	
4 Sample bottlés intact?	(es)	No		
5 Preservations documented on Chain of Custody?	(Yes	No		
6 Containers documented on Chain of Custody?	(Yes)	No		
17 Sufficient sample amount for indicated test(s)?	(es)	No-	See Selow	
18 All samples received within sufficient hold time?	(Yes)	No	See Below	
19 Subcontract of sample(s)?	Yes	No	Not 90 blicapis	
20 VOC samples have zero headspace?	(Yes)	No	Not Applicable	
Variance Docu confact: Confacted by: tegarding:	mentation	-	Date/ Time:	
Corrective Action Taken:				
Check all that Apply: See attached e-mail/ fax Glient understands and wou	uld like to pro		•	

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