

**From:** [Chase Settle](#)  
**To:** [Patterson, Heather, EMNRD](#)  
**Cc:** [Bob Asher](#); [Katie Parker](#); [Bratcher, Mike, EMNRD](#)  
**Subject:** RE: Dayton Water Line (Gushwa DX #1) Work Plan Part 1 of 3  
**Date:** Friday, August 28, 2015 2:00:22 PM  
**Attachments:** NMOSE Well Log Info.pdf

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Mrs. Patterson,

Yates Petroleum Corporation reviewed your request on behalf of OCD for a full water well investigation, but has found no merit for such a request when it is not believed that chlorides from this release have had any effect on ground water quality. Yates Petroleum Corporation also does not understand why wells within a 1500 foot radius would be an issue considering that the Guidelines for Remediation of Spills, Leaks, and Releases (1993) lists a wellhead protection area of <200 feet to be considered in site ranking with regards to private domestic water sources. However, we do agree that the site ranking needs to be adjusted. After performing a search of well log information on the New Mexico Office of the State Engineer (attached), it was determined that depth to groundwater is 136 to 140 feet within a 1500 foot radius from the center of the release. Therefore, the site ranking needs to be adjusted from a ten (10) to a site ranking zero (0).

While I am glad that my projection chart was appreciated, it was included to serve a purpose. During a meeting held at the NMOCD District II office on February 4, 2015, between Yates Environmental Department (Katie Parker, Bob Asher, Amber Griffin, and myself) and representatives from OCD (Jim Griswold, Bradford Billings, and Mike Bratcher) it was made very clear by Jim Griswold that projection charts were absolutely acceptable in lieu of lab verification for the delineation of chlorides when at least the last 3 lab verified samples showed a continually decreasing pattern. And in the case of the S1 area of this release, there were 5 consecutive decreases in chlorides that were used to form the projection line.

If contestation of this work plan is to continue, then Yates Petroleum requests that NMOCD respond in writing with the rejection of this work plan with justification on the requested 250 mg/kg delineation goal, as well as the justification for the wellhead protection area to be within 1500 feet of private domestic water sources when it is listed as less than 200 feet in the Guidelines for Remediation of Leaks, Spills, and Releases (1993). We also request to know when these changes were adopted as a Rule or incorporated in the new Guidelines for Remediation of Leaks, Spills, and Releases (since it does not exist in the August 13, 1993 version), where the new Rule or Guidelines of Remediation of Leaks, Spills, and Releases has been published for public record, and where scientific data used to determine these levels can be previewed.

Thanks,

***Chase Settle, M.S.***  
**Environmental Regulatory Agent**  
**Yates Petroleum Corporation**  
**105 S. 4<sup>th</sup> Street**  
**Artesia, NM 88210**  
**575-748-4171 (Office)**  
**575-703-6537 (Cell)**

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**From:** Patterson, Heather, EMNRD [mailto:Heather.Patterson@state.nm.us]  
**Sent:** Tuesday, August 25, 2015 12:44 PM  
**To:** Chase Settle

**Cc:** Bob Asher; Katie Parker; Bratcher, Mike, EMNRD  
**Subject:** RE: Dayton Water Line (Gushwa DX #1) Work Plan Part 1 of 3

RE: Yates \* Dayton Water Line (Gushwa DX #1) \* 30-015-21703 \* **2RP-2824**

Chase,

The OCD would like to request some additional information before this work plan is approved. Because of the large amount of contamination that must be left in place due to the railroad ROW, the OCD is requesting a full water well investigation. Please include all wells within a 1500 foot radius from the center of the release. This information should be included in the site ranking, and may potentially increase your site ranking score. We would also like to review some baseline water quality information. The OCD also requests further chloride delineation in the area of S1. While we appreciate your chloride projection chart, we do need lab verification. The target delineations goal is 250mg/kg or at depth background, whichever is greater.

OCD approval does not relieve the operator of liability should their operations fail to adequately investigate and remediate contamination that may pose a threat to ground water, surface water, human health or the environment. In addition, OCD approval does not relieve the operator of responsibility for compliance with any other federal, state, local laws and/or regulations.

If you have any questions or concerns, and for notification, please contact me.

Heather Patterson  
Environmental Specialist  
NMOCD District II  
Office (575)748-1283 ext.101  
Cell (575)703-0228

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**From:** Chase Settle [<mailto:CSettle@yatespetroleum.com>]  
**Sent:** Monday, August 17, 2015 11:54 AM  
**To:** Bratcher, Mike, EMNRD; Patterson, Heather, EMNRD  
**Cc:** Bob Asher; Katie Parker  
**Subject:** Dayton Water Line (Gushwa DX #1) Work Plan Part 1 of 3

Re: Dayton Water Line (Gushwa DX #1)  
30-015-21703  
Section 21, T18S-R26E  
Eddy County, New Mexico  
2RP-2824

Mr. Bratcher/Mrs. Patterson,

Yates Petroleum Corporation is submitting the attached work plan for the above captioned well. The plan is being submitted in response to the C-141 report dated February 18, 2015.

**If there are no objections with the scope of work described in the plan, Yates will have a contractor begin work on or after September 1, 2015.**

If you have any questions, feel free to call me at (575) 748-4171

Thank you.

*Chase Settle, M.S.*

Environmental Regulatory Agent

Yates Petroleum Corporation

105 S. 4<sup>th</sup> Street

Artesia, NM 88210

575-748-4171 (Office)

575-703-6537 (Cell)

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