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FAX TRANSMITTAL COVER SHEET

ATTORNEY-CLIENT PRIVILEGED INFORMATION

DATE: October 12, 2005 **TIME:** 7:41 AM
TO: Pete Domenici, Jr., Esq.
C/o Florene Davidson (505) 476-3462
FROM: Sylvia Rudy, Administrative Assistant
RE: Affidavit: Pete Domenici, Jr. will pickup
NUMBER OF PAGES, INCLUDING COVER: 2
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Hard Copy to Follow ☒ Yes By: ☒ Mail ☐ Overnight ☐ Hand Deliver
☐ No

Ms. Davidson:

Pete Domenici, Jr. will be picking the attached affidavit up sometime this morning. Thank you.

Sylvia Rudy

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AFFIDAVIT
In Lieu of Appearance

I, William L. Mansker, Ph.D., am a geologist with over 35 years of academic, research, and applied experience in the geologic disciplines. Much of my work in the last 20 years has directly related to the evaluation, investigation, and corrective action designs related to environmental issues such as hydrocarbon soil and groundwater contamination, oilfield wastes, and solid and liquid wastes. I have evaluated geological surface and subsurface data related to the design of liquid waste surface application and disposal facilities and solid waste landfills. I have designed and overseen construction of such facilities following facility design approvals from the New Mexico Environment Department.

I have reviewed past and current technical information regarding the Gandy Marley land farm and landfill sites. This technical information includes available historic and current data regarding the subsurface geology and groundwater conditions beneath the Gandy Marley site, a design and engineering description of the Gandy Marley, Inc. OCD Landfill Facility, and soil engineering data for surface and subsurface soils to be used for construction of the landfill facility.

Geologic materials directly underlying the landfill site are complementary to the facility design. These materials consist of a thick sequence (500 – 600 ft) of relatively impermeable Upper Dockum redbeds that notably include a thick (~ 40 ft), impermeable, plastic clay reporting (Ref. earlier DB Stephens report) a saturated hydraulic conductivity of 10^{-9} cm/s.

It is my professional opinion that the design of the landfill facility is appropriate in the context of existing geology at, and beneath, the site. Potential natural landfill liner materials (clays) available at the site surface report (DB Stephens Report, October 6, 2005) saturated hydraulic conductivities (10^{-9} cm/s) that meet NM OCD and NMED regulatory requirements.

Further the Affiant sayeth naught.

 October 11, 2005
William L. Mansker, Ph.D.
NMCS No. 067