

Release Notification and Corrective Action

OPERATOR Initial Report Final Report

Name of Company: Jalapeno Corporation	Contact: Harvey E. Yates, Jr. or Jun Barrack
Address: P.O. Box 1608; Albuquerque, NM 87103	Telephone No.: 505-242-2050
Facility Name: Duncan Federal #5 Well	Facility Type: Oil Well

Surface Owner: BLM	Mineral Owner: BLM	Lease No.: NM 12557
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~~30-005-62901~~

LOCATION OF RELEASE

Unit Letter	Section	Township	Range	Feet from the	North/South Line	Feet from the	East/West Line	County
C	18	9-S	28-E	660	North	1650	West	Chaves

Latitude _____ Longitude _____

NATURE OF RELEASE

Type of Release: Oil	Volume of Release: 65 bbls- 30 bbls of oil in firewall & 35 bbls of oil in water tank	Volume Recovered: 25 bbls of oil
Source of Release: Oil tank	Date and Hour of Occurrence: 8/21-22/09	Date & Hour of Discovery: 8/22/09
Was Immediate Notice Given? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? OCD Artesia Office & BLM by urgent fax a short time after notice from field was given to office on Monday morning.	
By Whom? Jun Barrack	Date and Hour: 8/24/09 11:30 a.m.	
Was a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse.	

If a Watercourse was Impacted, Describe Fully.*

N/A

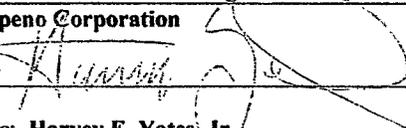
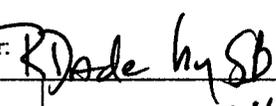
Describe Cause of Problem and Remedial Action Taken.*

SEE ATTACHED REPORT

Describe Area Affected and Cleanup Action Taken.*

SEE ATTACHED REPORT

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" 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 of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Jalapeno Corporation	OIL CONSERVATION DIVISION	
Signature: by 	Approved by District Supervisor: 	
Printed Name: Harvey E. Yates, Jr.	Approval Date: 10-16-09	Expiration Date: N/A
Title: President	Conditions of Approval: N/A	
E-mail Address:	Attached <input checked="" type="checkbox"/> N/A	
Date: 9/24/09 Phone: 505-242-2050		

* Attach Additional Sheets If Necessary

2 RP - 330



Executive Summary Jalapeno Oil Company Duncan Federal No. 5 Remediation Project

Location

The site is located approximately thirty-five miles northeast of the City of Roswell, New Mexico on BLM lands. The primary land use is grazing of cattle however extensive oil and gas operations are prevalent in the area. The area is semi-arid with a net precipitation / evaporation amount of -73" per year. The legal description is: **S18, T9S, R28E.**

Spill Event

A Jalapeno Oil Company subcontractor inadvertently left a valve open resulting in oil being transferred to a water tank and subsequently over-filling the containment. Immediately upon discovery, vacuum trucks were dispatched to the location and removed approximately twenty-five barrels of oil and water from within the containment berms.

Remediation Activities

Approximately three hundred fifty cubic yards of contaminated soils were removed and transported to the Gandy / Marley disposal facility near Crossroads, New Mexico. A similar volume of clean soils were backhauled to the location.

The lateral and vertical extent of the spill was delineated through field titration with confirmation samples sent to Cardinal Laboratories of Hobbs, New Mexico for verification. The impact was found to be quite superficial, penetrating only 2-3 feet below ground surface.

Restoration Activities

The excavated area was backfilled and compacted with blended soils meeting the NMOCD standards for areas in which groundwater is greater than 100 feet. The area within containment was lined with twenty mil high density polyethylene and covered with fresh caliche. The liner was extended to the top of the newly erected containment berms.



Exhibit Index

- A. C-141 Spill Report
- B. Satellite View of Location – Zoom in
- C. Driving Instructions
- D. Water Depths
- E. Plat Map of Location
- F. Excavation Detail
- G. Auger Detail
- H. Auger Detail
- I. Liner Installation
- J. Final Contour
- K. NMOCD Site Ranking
- L. Disposal manifests

District I
1625 N. French Dr., Hobbs, NM 88240
District II
1301 W. Grand Avenue, Artesia, NM 88210
District III
1000 Rio Brazos Road, Aztec, NM 87410
District IV
1220 S. St. Francis Dr., Santa Fe, NM 87505

State of New Mexico
Energy Minerals and Natural Resources
Oil Conservation Division
1220 South St. Francis Dr.
Santa Fe, NM 87505

Form C-141
Revised October 10, 2003

Submit 2 Copies to appropriate
District Office in accordance
with Rule 116 on back
side of form

Release Notification and Corrective Action

OPERATOR Initial Report Final Report

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Address: P.O. Box 1608; Albuquerque, NM 87103	Telephone No.: 505-242-2050
Facility Name: Duncan Federal #5 Well	Facility Type: Oil Well
Surface Owner: BLM	Mineral Owner: BLM
Lease No.: NM 12557	

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Was Immediate Notice Given? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? OCD Artesia Office & BLM by urgent fax a short time after notice from field was given to office on Monday morning.	
By Whom? Jun Barrack	Date and Hour: 8/24/09 11:30 a.m.	
Was a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse.	

If a Watercourse was Impacted, Describe Fully.*

N/A

Describe Cause of Problem and Remedial Action Taken.** A company was employed to treat a load of oil in the Duncan Federal #5 well and failed to fully close the valve upon departure. This resulted in appr. 35 bbls of oil being transmitted into the water tank and appr. 30 bbls of oil going into the firewall. A vacuum truck was called to remove the oil and appr. 25 bbls of oil was reclaimed. The rest is being cleaned & hauled to a disposal site.

Describe Area Affected and Cleanup Action Taken.*

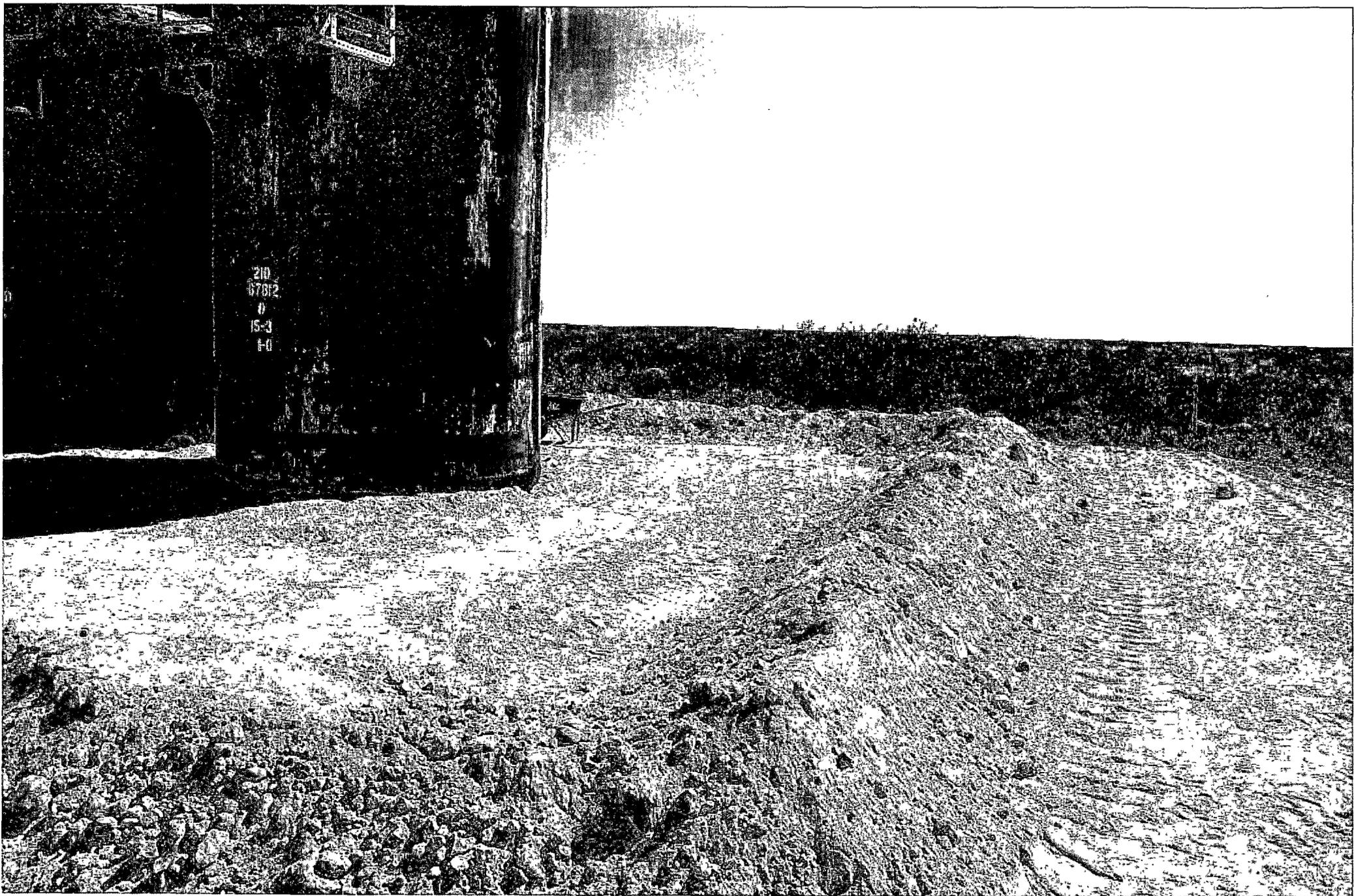
Area affected: Within the firewall. Clean up Action: The visual contaminates of the impacted area are being excavated and removed to a NMOCD approved commercial facility. Soil samples will be obtained and sent to a third party laboratory to be analyzed. A 48 hour advance notice of testing will be given to the OCD and the result of the testing will be sent to the OCD. If sample are within the Recommended Remedial Action Levels, we will rebuilt and covered the firewall with plastic. We will reclaim the area in accordance to OCD guidelines.

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" 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 of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Jalapeno Corporation		OIL CONSERVATION DIVISION	
Signature: by 	Approved by District Supervisor:		
Printed Name: Harvey E. Yates, Jr.	Approval Date:	Expiration Date:	
Title: President	Conditions of Approval:		
E-mail Address:			Attached <input type="checkbox"/>
Date: 8/31/09	Phone: 505-242-2050		

* Attach Additional Sheets If Necessary

210
07012
0
15-3
E-0





JALAPENO CORP DUNCAN FED #5

© 2009 Tele Atlas

Image © 2009 DigitalGlobe

2009 Google

lat: 33.538423° lon: -104.132408°

elev: 3883 ft

Sep 25, 2006

Eye alt: 5141 ft

JALAPENO CORP. DUNCAN FED #5

JALAPENO CORP
DUNCAN FED #5
660'FNL & 1650'FWL NE/NW1/4
UL/C SEC 18 - T9S - R28E
CHAVES CO
GPS N33 53829 / W104 13210
DRIVING DIRECTIONS In Roswell @ intersection of Main st. & 2nd st go east
on 2nd st (HWY 380) 18.6mi or mile marker 174, turn R. onto Ponderosa rd., go
N 10.8mi to El Paso R-O-W turn R go 4.45mi, turn R to 1mi turn L go 46th, turn
R go .2th to site at end of rd

© 2009 TeleAtlas
Image NMRGIS
Image © 2009 DigitalGlobe

Google

lat: 33.503662 lon: -104.123363

380

elev: 3916 ft

Eye alt: 16.44 mi

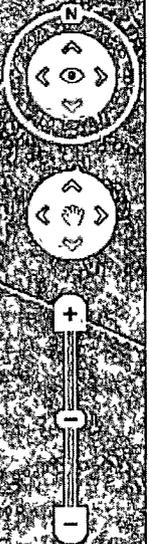
El Paso P/L anode bed water depth -151.8 bgs

El Paso P/L
anode bed
distance from anode bed to site 0.98mi

JALAPENO CORP. DUNCAN FED.#5

water well depth to water 116 bgs

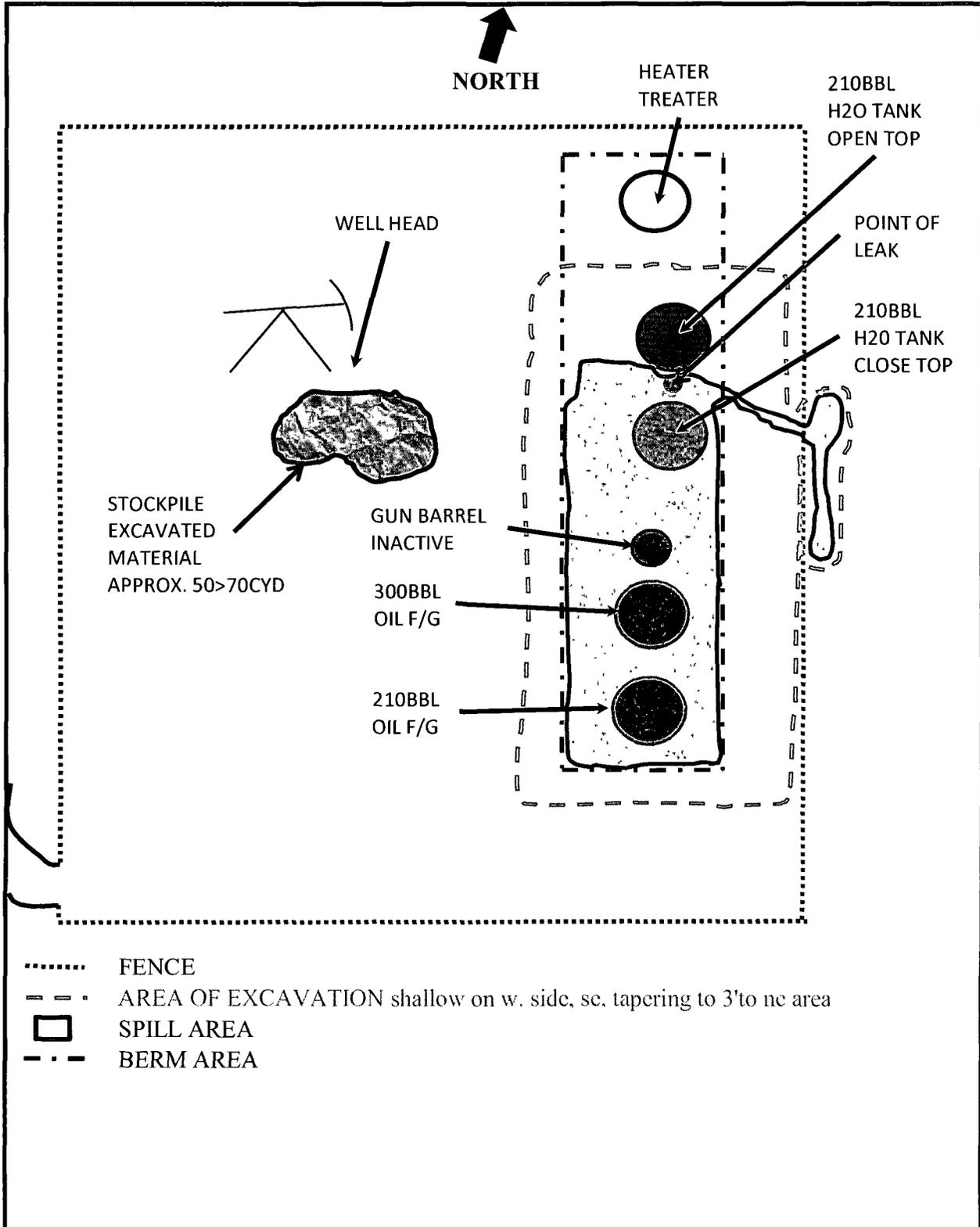
windmill water
well unknown if active
distance from water well to site 0.86th



© 2009 Terra Atlas
Image NMRGIS
Image © 2009 DigitalGlobe

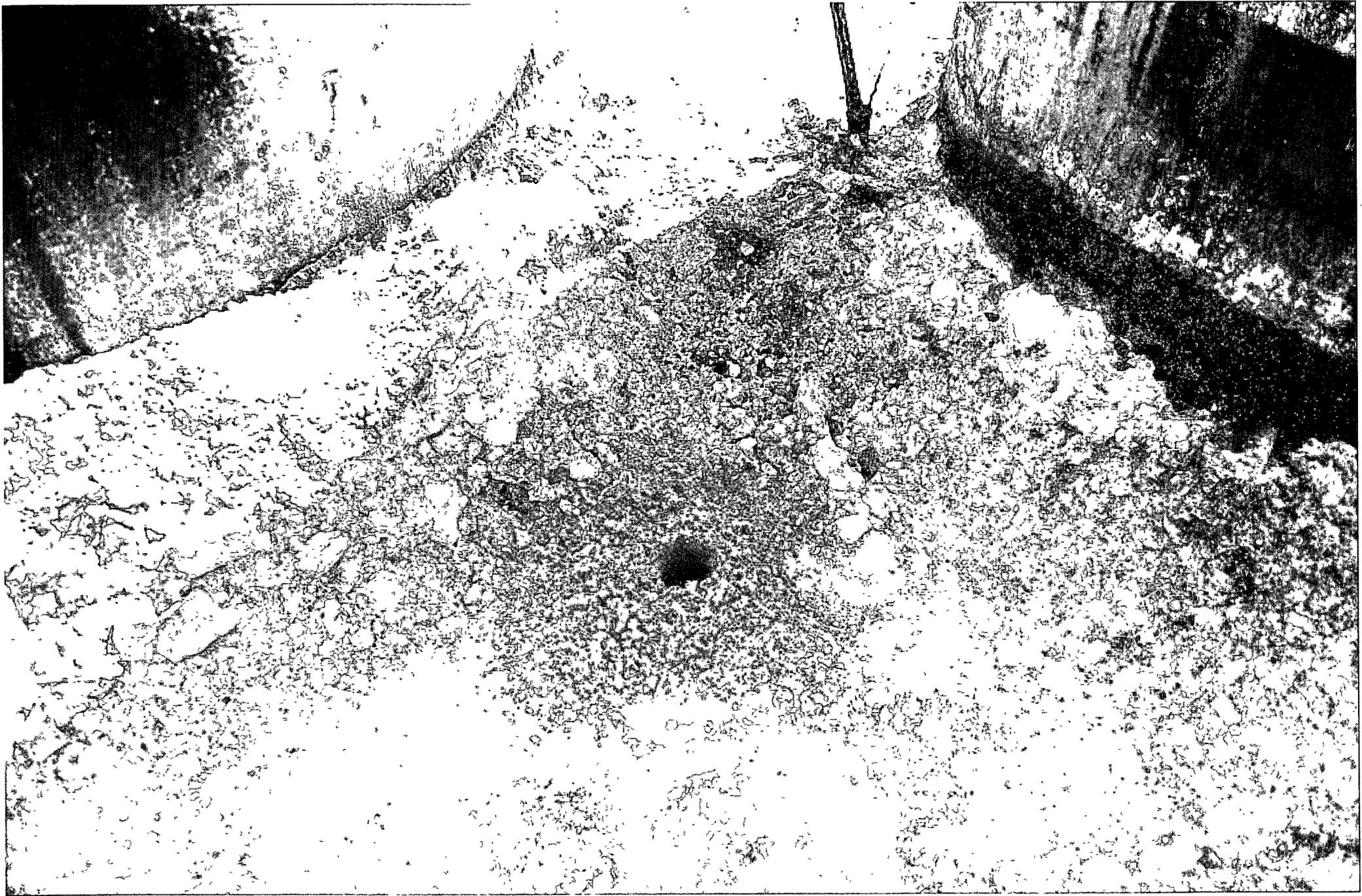
Google

JALAPENO CORP.
 DUNCAN FED #5 SPILL SITE
 660' FNL / 1650'FWL NE/NW 1/4 DEPTH TO GW APPROX. 137'
 UL/C SEC. 18 - T9S - R28E CHAVES CO.
 GPS LAT & LON NAD27 (DEMIMAL) N33.53829 / W104.13210











SITE ASSESSMENT CRITERIA (NMOCD)

JALAPENO CORP. DUNCAN FED #5
 660'FNL & 1650'FWL NE/NW1/4 UL/C SEC. 18 - T9S - R28E
 CHAVES COUNTY, NM
 GPS LAT & LON NAD27 (DECIMAL) N33.53829 / W104.13210
 DEPTH TO GROUND WATER: Approx. 130' to 140'bgs

DEPTH TO GROUND WATER

(Vertical distance from contaminants to seasonal high water elevation of ground water.)

Less than 50' BGS	(20 points)	
50' to 99' BGS	(10 points)	
Greater than 100' BGS	(0 points)	<input style="width: 50px; height: 20px;" type="text" value="0"/>

WELLHEAD PROTECTION AREA

(Less than 200' from a private domestic water source, or; less than 1000' from all other water sources)

YES	(20 points)	
NO	(0 points)	<input style="width: 50px; height: 20px;" type="text" value="0"/>

DISTANCE TO SURFACE WATER BODY

(Horizontal distance to perennial lakes, ponds, rivers, streams, creeks, irrigation canals, and ditches)

Less than 200'	(20 points)	
200' to 1000'	(10 points)	
Greater than 1000'	(0 points)	<input style="width: 50px; height: 20px;" type="text" value="0"/>

RANKING SCORE TOTAL POINTS	<input style="width: 50px; height: 20px;" type="text" value="0"/>
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CLEAN - UP TARGET CONCENTRATIONS FOR "SITE CLOSURE"

IF RANKING SCORE IS:	> 19	10 - 19	0 - 9
BENZENE (ppm)*	10	10	10
BTEX (ppm)*	50	50	50
TPH (ppm)**	100	1000	5000

*A field vapor headspace measurement of 100 ppm may be substituted for a laboratory analysis.
 ** The contaminant concentration for TPH is the concentration above background levels.

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

3751

LEASE OPERATOR/SHIPPER/COMPANY JALAPENO CORP.

LEASE NAME DONOR FED #5

TRANSPORTER COMPANY L.D. MAUIT TIME 12:00 AM/PM

DATE 8-24-09 VEHICLE NO. 117 DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCB

Other Material Contaminated soil C-117 No. _____

BS&W content _____

Description oil

VOLUME OF MATERIAL [] YARDS 12 CELL# 47 : []

AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HERewith IS MATERIAL EXEMPT FROM THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME, 40 U.S.C. §6901, et seq., THE NM HEALTH AND SAF. CODES, §361.001, et seq., AND REGULATIONS RELATED THERETO. BY VIRTUE OF THE EXEMPTION AFFORDED CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLORATION, DEVELOPMENT OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY.

ALSO AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, TRANSPORTER REPRESENTS AND WARRANTS THAT ONLY THE MATERIAL DELIVERED BY OPERATOR/SHIPPER TO TRANSPORTER IS NOW DELIVERED BY TRANSPORTER TO GANDY-MARLEY, INC.'S FACILITY FOR DISPOSAL

THIS WILL CERTIFY that the above Transporter loaded the material represented by this Transporter Statement at the above described location and that it was tendered by the aboved described shipper. This will certify that no additional materials were added to this load, and that the material was delivered without incident.

DRIVER [Signature]

FACILITY REPRESENTATIVE [Signature]

White GM Gandy-Shipper Pink GM Gnd-Ma Spore

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

NOV 27 1985

LEASE OPERATOR/SHIPPER/COMPANY JALAPENO CORP.

LEASE NAME DOUCANE FLD #5

TRANSPORTER COMPANY Lib. Maint. TIME 9:17 (AM/PM)

DATE 8-24-84 VEHICLE NO. 117 DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

Other Material Contaminated soil C-117 No. _____

BS&W content _____

Description oil

VOLUME OF MATERIAL [] YARDS 12 CELL# LP []

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DRIVER [Signature]

FACILITY REPRESENTATIVE [Signature]

White - GMI Canary - Shipper Pink - GMI Gold - Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

LEASE OPERATOR/SHIPPER/COMPANY JALAPENO CORP

LEASE NAME DUNCAN #10 #5

TRANSPORTER COMPANY TAS TIME 11:01 (AM/PM)

DATE 8-28-09 VEHICLE NO. 40-01 DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

Other Material Contaminated soil C-117 No. _____
 BS&W content _____

Description oil

VOLUME OF MATERIAL [] : YARDS 20 : CELL# LF : []

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DRIVER _____

FACILITY REPRESENTATIVE _____

White - GM Green - Shipper Pink - GM Gold - Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

37724

LEASE OPERATOR/SHIPPER/COMPANY

JALAPENA CORP

LEASE NAME

DUNN T-0 25

TRANSPORTER COMPANY

TBS

TIME

1:15

AM/PM

DATE

8-28-07

VEHICLE NO.

PC-01

DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

Other Material

Contaminated soil

C-117 No. _____

BS&W content _____

Description

soil

VOLUME OF MATERIAL [] YARDS

20

CELL#

25

[]

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DRIVER

[Signature]

FACILITY REPRESENTATIVE

[Signature]

White - GV

Canary - Shipper

Pink - GV

Gold - Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

37795

LEASE OPERATOR/SHIPPER/COMPANY JULIENNA CORP

LEASE NAME Bureau 3/20 5-

TRANSPORTER COMPANY TBS TIME 3:40 AM/PM

DATE 8-28 VEHICLE NO. 2-01 DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

Other Material Contaminated soil C-117 No. _____
 BS&W content _____

Description oil

VOLUME OF MATERIAL [] : YARDS 20 : CELL# LF []

AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HERewith IS MATERIAL EXEMPT FROM THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME, 42 U.S.C. §6901, et seq., THE NM HEALTH AND SAFETY CODES, §361.001, et seq., AND REGULATIONS RELATED THERETO, BY VIRTUE OF THE EXEMPTION AFFORDED CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLORATION, DEVELOPMENT OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY.

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DRIVER [Signature]

FACILITY REPRESENTATIVE [Signature]

Write - ON Carry - SHIPPER Pick - UP God - TRANSPORTER

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

57945

LEASE OPERATOR/SHIPPER/COMPANY WILSON FOODS

LEASE NAME WILSON FOODS

TRANSPORTER COMPANY BS TIME 11:07 AM/PM

DATE 8-1-07 VEHICLE NO. P-0 DRIVER NO.

CHARGE TO WILSON FOODS

TYPE OF MATERIAL

OCD

- Other Material
- Contaminated soil
- C-117 No. _____
- BS&W content _____

Description oil

VOLUME OF MATERIAL [] YARDS 20 : CELL# []

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DRIVER [Signature]

FACILITY REPRESENTATIVE [Signature]

White - GMJ Canary - Shipper Pink - GMI Gold - Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

LEASE OPERATOR/SHIPPER/COMPANY JALFARINO CARO

LEASE NAME DUNICARI FEU

TRANSPORTER COMPANY SME TIME 11:51 AM/PM

DATE 9-21-07 VEHICLE NO. 0-01 DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

- Other Material
- Contaminated soil
- C-117 No. _____
- BS&W content _____

Description oil

VOLUME OF MATERIAL [] YARDS 0 CELL# 1E : []

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DRIVER [Signature]

FACILITY REPRESENTATIVE [Signature]

White - SMI Canary - Shipper Pink - GMI Gold - Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

NO. 37447

LEASE OPERATOR/SHIPPER/COMPANY Johnson Corp

LEASE NAME DUNSMITH FEB 1998

TRANSPORTER COMPANY TEC TIME 7:15 AM/PM

DATE 7-01-98 VEHICLE NO. 0-1 DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

- Other Material
- Contaminated soil
- C-117 No. _____
- BS&W content _____

Description oil

VOLUME OF MATERIAL [] : YARDS 20 : CELL# 405 : []

AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HERewith IS MATERIAL EXEMPT FROM THE RESOURCE, CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME, 40 U.S.C. §6901, et seq., THE NM HEALTH AND SAF. CODES, §361,001, et seq., AND REGULATIONS RELATED THERETO, BY VIRTUE OF THE EXEMPTION AFFORDED CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLORATION, DEVELOPMENT OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY

ALSO AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, TRANSPORTER REPRESENTS AND WARRANTS THAT ONLY THE MATERIAL DELIVERED BY OPERATOR/SHIPPER TO TRANSPORTER IS NOW DELIVERED BY TRANSPORTER TO GANDY-MARLEY, INC.'S FACILITY FOR DISPOSAL.

THIS WILL CERTIFY that the above Transporter loaded the material represented by this Transporter Statement at the above described location, and that it was tendered by the aboved described shipper. This will certify that no additional materials were added to this load, and that the material was delivered without incident.

DRIVER [Signature]

FACILITY REPRESENTATIVE _____

White - UMI Canary - Shipper Pink - GV: Grid - Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

LEASE OPERATOR/SHIPPER/COMPANY JANAPEN CORP

LEASE NAME ...

TRANSPORTER COMPANY ... TIME 4:15 AM/PM

DATE 01-09 VEHICLE NO. ... DRIVER NO. ...

CHARGE TO

TYPE OF MATERIAL

OCD

- Other Material Contaminated soil C-117 No. _____
 BS&W content _____

Description oil

VOLUME OF MATERIAL [] YARDS ... CELL# ... : [] _____

AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HERewith IS MATERIAL EXEMPT FROM THE RESOURCE, CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME, 40 U.S.C. §8901 et seq., THE NM HEALTH AND SAF. CODES, §361,001, et seq., AND REGULATIONS RELATED THERETO. BY VIRTUE OF THE EXEMPTION AFFORDED CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLORATION, DEVELOPMENT OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY.

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DRIVER ...

FACILITY REPRESENTATIVE ...

White - GMF Canary - Shipper Pink - GMI Gold - Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

3027

LEASE OPERATOR/SHIPPER/COMPANY NUBIA, INC

LEASE NAME DURFEN FLD 5

TRANSPORTER COMPANY TES TIME 10:32 AM/PM

DATE 9-02-01 VEHICLE NO. P-01 DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

- Other Material
- Contaminated soil
- C-117 No. _____
- BS&W content _____

Description oil

VOLUME OF MATERIAL [] YARDS 20 : CELL# LF : []

AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HERewith IS MATERIAL EXEMPT FROM THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME, 40 U.S.C. §6901, et seq., THE NM HEALTH AND SAF. CODES, §361.001, et seq., AND REGULATIONS RELATED THERETO, BY VIRTUE OF THE EXEMPTION AFFORDED CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLORATION, DEVELOPMENT OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY

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DRIVER [Signature]

FACILITY REPRESENTATIVE [Signature]

White - GM Orange - Shipper Pink - GM Gold - Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

N2 38178

LEASE OPERATOR/SHIPPER/COMPANY JULIANA COOP

LEASE NAME WILSON FEL 75

TRANSPORTER COMPANY TCS

TIME 1:28 AM/PM

DATE 9-02-07

VEHICLE NO. P-01

DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

Other Material

Contaminated soil

C-117 No. _____

BS&W content _____

Description oil

VOLUME OF MATERIAL []: YARDS 20

CELL# LF

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DRIVER [Signature]

FACILITY REPRESENTATIVE [Signature]

White - GMI

Canary - Shipper

Pink - GMI

Gold - Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

LEASE OPERATOR/SHIPPER/COMPANY

LEASE NAME

TRANSPORTER COMPANY

TIME

AM/PM

DATE

VEHICLE NO.

DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

Other Material

Contaminated soil

C-117 No. _____

BS&W content _____

Description _____

VOLUME OF MATERIAL [] YARDS

CELL#

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DRIVER

FACILITY REPRESENTATIVE

Write GM.

Canal - Shipper

Priv - GV

Gov. Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

38 97

LEASE OPERATOR/SHIPPER/COMPANY JALORE

LEASE NAME DUNN FED

TRANSPORTER COMPANY TRC

TIME 10:39 AM/PM

DATE 4-03-09

VEHICLE NO. 101

DRIVER NO. 1

CHARGE TO _____

TYPE OF MATERIAL

OCOD

Other Material

Contaminated soil

C-117 No. _____

BS&W content _____

Description slty

VOLUME OF MATERIAL [] YARDS _____

CELL# LF

[] _____

AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HERewith IS MATERIAL EXEMPT FROM THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME, 49 U.S.C. §6901, et seq. THE NM HEALTH AND SAF. CODES, §361.001, et seq., AND REGULATIONS RELATED THERETO, BY VIRTUE OF THE EXEMPTION AFFORDED CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLORATION, DEVELOPMENT OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY.

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DRIVER _____

FACILITY REPRESENTATIVE _____

White - GM

Canary - Shipper

Red - GM

Gold - tra sports

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

115 35193

LEASE OPERATOR/SHIPPER/COMPANY J. L. LARSON CORP

LEASE NAME DEWICK, F.E.D. 5

TRANSPORTER COMPANY T.H.S. TIME 10:45 AM/PM

DATE 7-13-79 VEHICLE NO. 1001 DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

- Other Material
- Contaminated soil
- C-117 No. _____
- BS&W content _____

Description oil

VOLUME OF MATERIAL [] YARDS 12 : CELL# _____ : [] _____

AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HERewith IS MATERIAL EXEMPT FROM THE RESOURCE, CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME, 40 U.S.C. §8901, et seq. THE NM HEALTH AND SAF. CODES, §361.001, et seq., AND REGULATIONS RELATED THERETO, BY VIRTUE OF THE EXEMPTION AFFORDED CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLORATION, DEVELOPMENT OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY.

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DRIVER [Signature]

FACILITY REPRESENTATIVE [Signature]

White - GM Canary - Shipper Pink - GMI Gold - Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

39109

LEASE OPERATOR/SHIPPER/COMPANY ENVIRONMENTAL CORP
LEASE NAME DUNCAN FIELD 5
TRANSPORTER COMPANY TBS TIME 10:43 AM/PM
DATE 9-03-07 VEHICLE NO. 20-1 DRIVER NO.
CHARGE TO

TYPE OF MATERIAL

OCD

Other Material Contaminated soil C-117 No. _____
 BS&W content _____

Description oil

VOLUME OF MATERIAL [] : YARDS 12 : CELL# _____ : [] _____

AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HERewith IS MATERIAL EXEMPT FROM THE RESOURCE, CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME, 40 U.S.C. §6901, et seq., THE NM HEALTH AND SAF. CODES, §361,001, et seq., AND REGULATIONS RELATED THERETO, BY VIRTUE OF THE EXEMPTION AFFORDED, CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLORATION, DEVELOPMENT OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY

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DRIVER [Signature]

FACILITY REPRESENTATIVE [Signature]

White - GMI Canary - Shipper Pink - GMI Blue - Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

33278

LEASE OPERATOR/SHIPPER/COMPANY Wilson F-0-3

LEASE NAME Wilson F-0-3

TRANSPORTER COMPANY BS TIME 1:03 AM/PM

DATE 9-07-09 VEHICLE NO. F-01 DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

- Other Material
- Contaminated soil
- C-117 No: _____
- BS&W content _____

Description oil

VOLUME OF MATERIAL [] YARDS 20 : CELL# _____ : [] _____

AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HERewith IS MATERIAL EXEMPT FROM THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME 40 U.S.C. §6901, et seq., THE NM HEALTH AND SAF. CODES, §361.001, et seq., AND REGULATIONS RELATED THERETO, BY VIRTUE OF THE EXEMPTION AFFORDED CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLO RATION, DEVELOPMENT OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY.

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DRIVER [Signature]

FACILITY REPRESENTATIVE [Signature]

White GV Gangly Shipper Pink-GM Gold-Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

112 0323

LEASE OPERATOR/SHIPPER/COMPANY

JALAPENO CORP.

LEASE NAME

INDIAN FLD 13

TRANSPORTER COMPANY

TDS

TIME

1:05

AM/PM

DATE

7-03-07

VEHICLE NO.

F01

DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

Other Material

Contaminated soil

C-117 No. _____

BS&W content _____

Description copy

VOLUME OF MATERIAL [] : YARDS

12

: CELL#

12

: []

AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HERewith IS MATERIAL EXEMPT FROM THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME, 40 U.S.C. §6901, et seq., THE NM HEALTH AND SAF. CODES, §361.001, et seq., AND REGULATIONS RELATED THERETO, BY VIRTUE OF THE EXEMPTION AFFORDED CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLORATION, DEVELOPMENT OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY

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DRIVER

[Signature]

FACILITY REPRESENTATIVE

[Signature]

White - GMI

Green - Shipper

Pink - GM

Gold - Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

LEASE OPERATOR/SHIPPER/COMPANY JALAPENA CORP

LEASE NAME DUNSTON F.P.D. #5

TRANSPORTER COMPANY TRC TIME 1:27 AM/PM

DATE 9-23-89 VEHICLE NO. KW DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

Other Material Contaminated soil C-117 No. _____
 BS&W content _____

Description oil

VOLUME OF MATERIAL [] : YARDS 14 : CELL# []

AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HERewith IS MATERIAL EXEMPT FROM THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME, 40 U.S.C. §6901, et seq.; THE NM HEALTH AND SAF. CODES, §361.001, et seq.; AND REGULATIONS RELATED THERETO, BY VIRTUE OF THE EXEMPTION AFFORDED CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLORATION DEVELOPMENT OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY.

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DRIVER [Signature]

FACILITY REPRESENTATIVE [Signature]

White - GMI Green - Shipper Pink - GV Gold - Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

LEASE OPERATOR/SHIPPER/COMPANY JULIA PERRY CORP.

LEASE NAME DUNGEN FLD #5

TRANSPORTER COMPANY TRC

TIME 5:10

AM/PM

DATE 9-2-79

VEHICLE NO. 1-01

DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

Other Material

Contaminated soil

C-117 No. _____

BS&W content _____

Description oil

VOLUME OF MATERIAL [] YARDS 20

: CELL# _____

: [] _____

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DRIVER [Signature]

FACILITY REPRESENTATIVE [Signature]

Write GMI

Canary Shipper

Pink - GMI

God Transporter

GANDY-MARLEY, INC.

P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

LEASE OPERATOR/SHIPPER/COMPANY W. LAFENIA LOP

LEASE NAME D. J. COOK FED 15

TRANSPORTER COMPANY 165 TIME 3:45 AM/PM

DATE 9-23-07 VEHICLE NO. 165 DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

Other Material Contaminated soil C-117 No. _____
 BS&W content _____

Description oil

VOLUME OF MATERIAL [] YARDS 12 : CELL# _____ : []

AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HEREWITH IS MATERIAL EXEMPT FROM THE RESOURCE, CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME 40 U.S.C. §6901, et seq., THE NM HEALTH AND SAF. CODES, §361.001, et seq., AND REGULATIONS RELATED THERETO, BY VIRTUE OF THE EXEMPTION AFFORDED CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLO- RATION, DEVELOPMENT OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY.

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DRIVER [Signature]

FACILITY REPRESENTATIVE [Signature]

White - GMI Capary - Shipper Pink - GMI Gold - Transporter

GANDY-MARLEY, INC.

P.O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

NE 38 35

LEASE OPERATOR/SHIPPER/COMPANY SILABENA CORP

LEASE NAME DUNSEAN FILL

TRANSPORTER COMPANY THE TIME 3:04 AM/PM

DATE 7-03-07 VEHICLE NO. KW DRIVER NO.

CHARGE TO

TYPE OF MATERIAL

OCD

Other Material Contaminated soil C-117 No. _____
 BS&W content _____

Description oil

VOLUME OF MATERIAL [] YARDS 74 : CELL# 2F : []

AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HERewith IS MATERIAL EXEMPT FROM THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME, 40 U.S.C. §6901, et seq., THE NM HEALTH AND SAF. CODES, §361,001, et seq., AND REGULATIONS RELATED THERETO, BY VIRTUE OF THE EXEMPTION AFFORDED CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLO RATION, DEVELOPMENT OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY

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DRIVER [Signature]

FACILITY REPRESENTATIVE [Signature]

White - GMI Canary - Shipper Pink - GMI Gold - Transporter



**Remediation Protocol
Jalapeno Oil Corporation
Duncan Fed. No. 5**

1.0 Purpose

This protocol is to provide a detailed outline of the steps employed in the remediation of the Duncan Federal No. 5 location in Chaves County, New Mexico.

2.0 Scope

This protocol is site specific for the Duncan Federal No. 5 restoration project.

3.0 Preliminary

Prior to any field operations, Whole Earth Environmental conducted the following activities:

3.1 Client Review

3.1.1 Whole Earth met with cognizant personnel within Jalapeno, the NMOCD and the BLM to review and approve this protocol.

4.0 Remediation

4.1 The highly contaminated soils were excavated and transported to a licensed waste disposal company. Equal volumes of fresh topsoil were transported back to the location for replacement.

4.2 The affected area was vertically and laterally delineated to achieve chloride, TPH (418.1) <5,000 ppm, and benzene <10 ppm concentrations as required by NMOCD. Confirmation samples of the delineated soils and backfill material were collected in accordance with WEQP-77 and sent to a certified laboratory for analysis.

4.3 The area within containment was backfilled with soils tested as being within the concentrations specified within paragraph 4.2 of this protocol. The initial backfill brought the excavated area to ground level.

4.4 A 20 mil HDPE liner was installed around the tanks and up to the top of the containment berm. A light covering of caliche was placed atop the liner to anchor it in place.

5.0 Closure Report

5.1 At the conclusion of the project, Whole Earth prepared a closure report that containing the following information:

- Photographs of the location prior to remediation
- Photographs of the site at the point of maximum excavation
- Liner installation detail
- Final photographs of the restored site
- Satellite photographs of the location
- Driving directions to the location
- Copies of this protocol
- Laboratory analytical reports
- Laboratory and field analysis summary
- Disposal Manifests
- NMOCD site ranking criteria



Laboratory Analytical Results

This section contains copies of the formal laboratory analytical results for this project.



**ARDINAL
LABORATORIES**

PHONE (575) 393-2326 • 101 E. MARLAND • HOBBS, NM 88240

September 4, 2009

Roy R. Rascon
Whole Earth Environmental, Inc
2103 Arbor Cove
Katy, TX 77494

Re: Jalapeno Corp. Duncan Fed #5 Spill

Enclosed are the results of analyses for sample number H18185, received by the laboratory on 09/04/09 at 7.53 am.

Cardinal Laboratories is accredited through Texas NELAP for:

Method SW-846 8021	Benzene, Toluene, Ethyl Benzene, and Total Xylenes
Method SW-846 8260	Benzene, Toluene, Ethyl Benzene, and Total Xylenes
Method TX 1005	Total Petroleum Hydrocarbons

Certificate number T104704398-08-TX. Accreditation applies to solid and chemical materials and non-potable water matrices

Cardinal Laboratories is accredited through the State of Colorado Department of Public Health and Environment for:

Method EPA 552.2	Haloacetic Acids (HAA-5)
Method EPA 524.2	Total Trihalomethanes (TTHM)
Method EPA 524.2	Regulated VOCs (V2, V3)

Accreditation applies to public drinking water matrices.

Total Number of Pages of Report. 3 (includes Chain of Custody)

Sincerely,



Celey D. Keene
Laboratory Director

This report conforms with NELAP requirements.



ANALYTICAL RESULTS FOR
 WHOLE EARTH ENVIRONMENTAL, INC.
 ATTN: ROY R. RASCON
 2103 ARBOR COVE
 KATY, TX 77494
 FAX TO: (281) 394-2051

Receiving Date: 09/04/09
 Reporting Date: 09/04/09
 Project Number: NOT GIVEN
 Project Name: JALAPENO CORP. DUNCAN FED #5 SPILL
 Project Location: ROSWELL, NM - CHAVES COUNTY

Sampling Date: 09/03/09
 Sample Type: SOIL
 Sample Condition: INTACT @ 16°C
 Sample Received By: CK
 Analyzed By: CK/ZL

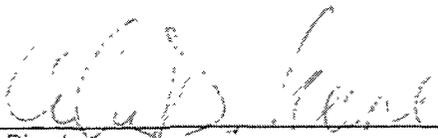
LAB NO	SAMPLE ID	GRO (C ₆ -C ₁₀) (mg/kg)	DRO (>C ₁₀ -C ₂₈) (mg/kg)	BENZENE (mg/kg)	TOLUENE (mg/kg)	ETHYL BENZENE (mg/kg)	TOTAL XYLENES (mg/kg)
--------	-----------	--	--	--------------------	--------------------	-----------------------------	-----------------------------

ANALYSIS DATE	09/04/09	09/04/09	09/04/09	09/04/09	09/04/09	09/04/09
H18185-1 EXCAVATED SOIL PILE 12 PT. COMP.	19.2	578	<0.050	<0.050	0.333	0.676
Quality Control	445	464	0.053	0.043	0.045	0.151
True Value QC	500	500	0.050	0.050	0.050	0.150
% Recovery	89.0	92.8	106	86.0	90.0	101
Relative Percent Difference	0.5	1.2	0.2	0.6	1.3	0.2

METHODS. TPH GRO & DRO - EPA SW-846 8015 M, BTEX - SW-846 8021B

Reported on wet weight.

TEXAS NELAP ACCREDITATION T104704398-08-TX FOR BENZENE, TOLUENE, ETHYL BENZENE,
 AND TOTAL XYLENES Not accredited for GRO/DRO.



 Lab Director



 Date

H18185TB WEE

PLEASE NOTE Liability and Damages. Cardinal's liability and client's exclusive remedy for any claim arising, whether based in contract or tort, shall be limited to the amount paid by client for analyses. All claims, including those for negligence and any other cause whatsoever, shall be deemed waived unless made in writing and received by Cardinal within thirty (30) days after completion of the applicable service. In no event shall Cardinal be liable for incidental or consequential damages, including, without limitation, business interruptions, loss of use, or loss of profits incurred by client, its subsidiaries, affiliates or successors arising out of or related to the performance of services hereunder by Cardinal, regardless of whether such claim is based upon any of the above-stated reasons or otherwise. Results relate only to the samples identified above. This report shall not be reproduced except in full with written approval of Cardinal Laboratories.



September 14, 2009

Roy R. Rascon
Whole Earth Environmental, Inc
2103 Arbor Cove
Katy, TX 77494

Re. Jalapeno Operating Duncan Fed #5

Enclosed are the results of analyses for sample number H18215, received by the laboratory on 09/10/09 at 8:40 am.

Cardinal Laboratories is accredited through Texas NELAP for:

Method SW-846 8021	Benzene, Toluene, Ethyl Benzene, and Total Xylenes
Method SW-846 8260	Benzene, Toluene, Ethyl Benzene, and Total Xylenes
Method TX 1005	Total Petroleum Hydrocarbons

Certificate number T104704398-08-TX. Accreditation applies to solid and chemical materials and non-potable water matrices

Cardinal Laboratories is accredited through the State of Colorado Department of Public Health and Environment for:

Method EPA 552.2	Haloacetic Acids (HAA-5)
Method EPA 524.2	Total Trihalomethanes (TTHM)
Method EPA 524.2	Regulated VOCs (V2, V3)

Accreditation applies to public drinking water matrices

Total Number of Pages of Report: 4 (includes Chain of Custody)

Sincerely,



Celey D. Keene
Laboratory Director



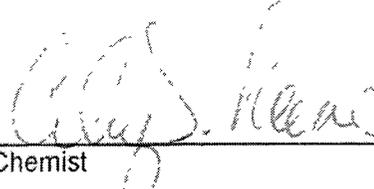
ANALYTICAL RESULTS FOR
WHOLE EARTH ENVIRONMENTAL, INC.
ATTN: ROY R. RASCON
2103 ARBOR COVE
KATY, TX 77494
FAX TO: (281) 394-2051

Receiving Date: 09/10/09
Reporting Date: 09/11/09
Project Owner: NOT GIVEN
Project Name: JALAPENO OPERATING DUNCAN FED #5
Project Location: CHAVES COUNTY, NM

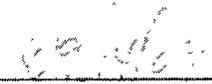
Sampling Date: 09/09/09
Sample Type: SOIL
Sample Condition: INTACT @ 9.5°C
Sample Received By: ML
Analyzed By: AB

LAB NUMBER	SAMPLE ID	418.1 TOTAL TPH (mg/kg)
ANALYSIS DATE		09/11/09
H18215-1	SP A @ 5' BGS	<100
H18215-3	SP D @ 8' BGS	<100
Quality Control		345
True Value QC		300
% Recovery		115
Relative Percent Difference		0.4

METHODS: EPA 418.1
Reported on wet weight.



Chemist



Date

H18215 418 WEE

PLEASE NOTE: Liability and Damages Cardinal's liability and client's exclusive remedy for any claim arising, whether based in contract or tort, shall be limited to the amount paid by client for analyses. All claims, including those for negligence and any other cause whatsoever shall be deemed waived unless made in writing and received by Cardinal within thirty (30) days after completion of the applicable service. In no event shall Cardinal be liable for incidental or consequential damages, including, without limitation, business interruptions, loss of use or loss of profits incurred by client, its subsidiaries, affiliates or successors arising out of or related to the performance of services hereunder by Cardinal, regardless of whether such claim is based upon any of the above-stated reasons or otherwise. Results relate only to the samples identified above. This report shall not be reproduced except in full with written approval of Cardinal Laboratories.



CARDINAL LABORATORIES

2111 Beechwood, Abilene, TX 79603 101 East Marland, Hobbs, NM 88240
(325) 673-7001 FAX (325) 673-7020 (505) 393-2326 FAX (505) 393-2476

CHAIN-OF-CUSTODY AND ANALYSIS REQUEST

Company Name: WHOLE EARTH ENVIRONMENTAL INC.		BILL TO				ANALYSIS REQUEST													
Project Manager: ROY R. RASCON		P.O. #:																	
Address:		Company:																	
City: State: Zip:		Attn:																	
Phone #: Fax #:		Address:																	
Project Owner:		City:																	
Project Name: JALAPENO OPERATING DUNCAN FED #5		State: Zip:																	
Project Location: CHAVES COUNTY		Phone #:																	
Sampler Name: ROY R. RASCON		Fax #:																	
FOR LAB USE ONLY LAB ID #	SAMPLE I.D.	(G)RAB OR (C)OMP # CONTAINERS	MATRIX					PRESERV.			SAMPLING		CATS & ANS	PH	BTEX	CL-	TPH 418.1	8015M	
			GROUNDWATER	WASTEWATER	SOIL	OIL	SLUDGE	OTHER	ACID/BASE	ICE / COOL	OTHER	DATE							TIME
H18215-1	SP A @ 5'BGS	X 1			X						X	9/9/09	900				X	X	
-2	SP B @ 8'BGS	X 1			X						X	9/9/09	1155				X		
-3	SP D @ 8'BGS	X 1			X						X	9/9/09	1138				X	X	

PLEASE NOTE: Liability and Damages. Cardinal's liability and client's exclusive remedy for any claim arising whether based in contract or tort shall be limited to the amount paid by the client for the analyses. All claims including those for negligence and any other cause whatsoever shall be deemed waived unless made in writing and received by Cardinal within 30 days after completion of the applicable service. In no event shall Cardinal be liable for incidental or consequential damages, including without limitation, business interruptions, loss of use, or loss of profits incurred by client, its subsidiaries, affiliates or successors arising out of or related to the performance of services hereunder by Cardinal, regardless of whether such claim is based upon any of the above stated reasons or otherwise.

Relinquished By: **ROY R. RASCON** Date: **9-10-09** Received By: *[Signature]*
 Time: **0840**
 Relinquished By: *[Signature]* Date: _____ Received By: _____
 Time: _____
 Delivered By: (Circle One) **Sampler** - UPS - Bus - Other:
 Sample Condition: **9.5°C** Cool Intact Yes No Yes No
 CHECKED BY: *[Signature]* (Initials)

Phone Result: Yes No Add'l Phone #:
 Fax Result: Yes No Add'l Fax #:
REMARKS: PLEASE E-MAIL TO: royr , mikeg, kwomac, elliotw, & mcgriffin@vadose.us

* Cardinal cannot accept verbal changes. Please fax written changes to 505-393-2476

4576



**ARDINAL
LABORATORIES**

PHONE (575) 393-2326 • 101 E. MARLAND • HOBBS, NM 88240

September 15, 2009

Roy R. Rascon
Whole Earth Environmental, Inc.
2103 Arbor Cove
Katy, TX 77494

Re: Jalapeno Operating Duncan Fed #5 Spill

Enclosed are the results of analyses for sample number H18229, received by the laboratory on 09/10/09 at 8:15 am.

Cardinal Laboratories is accredited through Texas NELAP for:

Method SW-846 8021	Benzene, Toluene, Ethyl Benzene, and Total Xylenes
Method SW-846 8260	Benzene, Toluene, Ethyl Benzene, and Total Xylenes
Method TX 1005	Total Petroleum Hydrocarbons

Certificate number T104704398-08-TX. Accreditation applies to solid and chemical materials and non-potable water matrices.

Cardinal Laboratories is accredited through the State of Colorado Department of Public Health and Environment for:

Method EPA 552.2	Haloacetic Acids (HAA-5)
Method EPA 524.2	Total Trihalomethanes (TTHM)
Method EPA 524.2	Regulated VOCs (V2, V3)

Accreditation applies to public drinking water matrices.

Total Number of Pages of Report: 3 (includes Chain of Custody)

Sincerely,

Celey D. Keene
Laboratory Director

This report conforms with NELAP requirements.



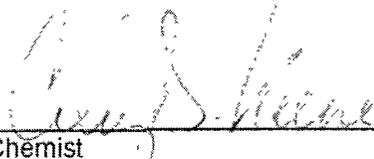
PHONE (575) 393-2326 • 101 E. MARLAND • HOBBS, NM 88240

ANALYTICAL RESULTS FOR
 WHOLE EARTH ENVIRONMENTAL, INC.
 ATTN: ROY R. RASCON
 2103 ARBOR COVE
 KATY, TX 77494
 FAX TO: (281) 394-2051

Receiving Date: 09/11/09	Sampling Date: 09/09/09
Reporting Date: 09/14/09	Sample Type: SOIL
Project Owner: NOT GIVEN	Sample Condition: INTACT @ 15.5°C
Project Name: JALAPENO OPER. DUNCAN FED #5 SPILL	Sample Received By: ML
Project Location: CHAVES COUNTY, NM	Analyzed By: AB/HM

LAB NUMBER	SAMPLE ID	418.1	
		TOTAL TPH (mg/kg)	CI* (mg/kg)
ANALYSIS DATE		09/11/09	09/14/09
H18229-1	EXCAVATED SOIL 24PT COMP. (BLENDED)	2,870	352
Quality Control		345	500
True Value QC		300	500
% Recovery		115	100
Relative Percent Difference		0.4	< 0.1

METHODS: EPA 418.1, CI-: Std. Methods 4500-CI-B
 *Analysis performed on a 1:4 w:v aqueous extract.
 Reported on wet weight


 Chemist


 Date

H18229 418CL WEE

PLEASE NOTE **Liability and Damages.** Cardinal's liability and client's exclusive remedy for any claim arising, whether based in contract or tort shall be limited to the amount paid by client for analyses. All claims, including those for negligence and any other cause whatsoever shall be deemed waived unless made in writing and received by Cardinal within thirty (30) days after completion of the applicable service. In no event shall Cardinal be liable for incidental or consequential damages, including, without limitation, business interruptions, loss of use, or loss of profits incurred by client, its subsidiaries, affiliates or successors arising out of or related to the performance of services hereunder by Cardinal, regardless of whether such claim is based upon any of the above-stated reasons or otherwise. Results relate only to the samples identified above. This report shall not be reproduced except in full with written approval of Cardinal Laboratories.

Summary of Soil Sample Analytical Results
 JALAPENO DUNCAN FEDERAL #5
 API # 30-005-62901

Soil Sample ID	Depth (Feet)	Sample Date	Soil Status	PID Reading (ppm)	Field Chloride Analysis (ppm)	LAB ANALYSIS IN RED Benzene (mg/Kg)	Toluene (mg/Kg)	Ethylbenzene (mg/Kg)	Total Xylenes (mg/Kg)	Total BTEX (mg/Kg)	Carbon Ranges (C6-C10) (mg/Kg)	Carbon Ranges (C10-C28) (mg/Kg)	Carbon Ranges (C28-C35) (mg/Kg)	TPH (mg/Kg)	Chloride (mg/Kg)	Sulfate			
excavated soil 12pt comp	50>70cyds	9/3/09	excavated	N/A	866	<0.050	<0.050	0.333	0.676	N/A	19.2	578	N/A	N/A	N/A	N/A			
SP A	2.5' bgs	9/9/09	auger gas / hand, grab	N/A	80	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			
	5.0' bgs			N/A	114	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<100	128	N/A	
SP B	2.5' bgs			N/A	476	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	5.0' bgs			N/A	550	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	7.0' bgs			N/A	611	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	8.0' bgs			N/A	609	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	656	N/A
SP C	2.5' bgs			N/A	65	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	5.0' bgs			N/A	84	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
SP D	7.0' bgs			N/A	439	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	8.0' bgs			N/A	255	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<100	272	N/A	
excavated soil 24pt comp blended		9/10/09	excavated blended	N/A	342	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2870	352	N/A			