The same of the distriction of the second and tradition

Release Notification and Corrective Action

					✓	OPERAT	'OR		☐ Initi	al Report	\boxtimes	Final Report
Name of Company: Jalapeno Corporation				Contact: H	arvey E. Yates,	Jr. or						
Address: P.O. Box 1608; Albuquerque, NM 87103				Telephone No.: 505-242-2050								
					Facility Type: Oil Well							
Surface Ow	Surface Owner: BLM Mineral Owner:					BLM			Lease N	No.: NM 12	2557	
30-005-	62901	,		LOCA	ATIO	N OF REI	LEASE					
Unit Letter	Section	Township	Range	Feet from the	North	/South Line	Feet from the	East/W	est Line	County		
<u>C</u>	18	9-S	28-E	660	<u> </u>	North	1650	V	Vest	Chaves		
			Lat	itude	· · · · · · · · · · · · · · · · · · ·	Longitud	le	 -				
			 	NAT	TURE	OF REL						
Type of Rele	ase: Oil					Volume of Release: 65 bbls- 30 bbls of oil in firewall & 25 bbls of oil						
						35 bbls of oil in water tank						
Source of Re	lease: Oil t	ank				Date and Hour of Occurrence: Date & Hour of Discovery:						
						8/21-22/09		8/2	2/09			
₩as Immedi	ate Notice C		Yes 🗀	No ☐ Not R	Lequired		Whom? OCD A e from field was					
By Whom?	Jun Ba					Date and H	lour: 8/24/09 1	1:30 a.r	n.			
Was a Water	course Reac		Yes 🗵] No		If YES, Volume Impacting the Watercourse.						
if a Waterco	urse was Im	pacted, Descri	be Fully.*					···· • · · · · · · · · · · · · · · · ·				
N/A												
Describe Cau	ise of Proble	em and Remed	dial Action	Taken.*		·····			,			
				SEE A	ATTA	CHED R	EPORT					
Describe Are	a Affected a	nd Cleanup A	ction Tak	en.*				18-14-F-11	· · · · · · · · · · · · · · · · · · ·			
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 William												
				Approved by District Supervisor: Klade hy Sb								
Title: President A				Approval Dat	e: 10-14-09	E	xpiration	Date: N/A	<u> </u>			
E-mail Addre	ess:					Conditions of	Approval:	1.		Attached	<u> </u>	/_
Date: 9	Date: 9/24/09 Phone: 505-242-2050				-		A			_7V/	A	
Attach Addi	tional Shee	ts If Necess	arv									

2RP-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

Listrict 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

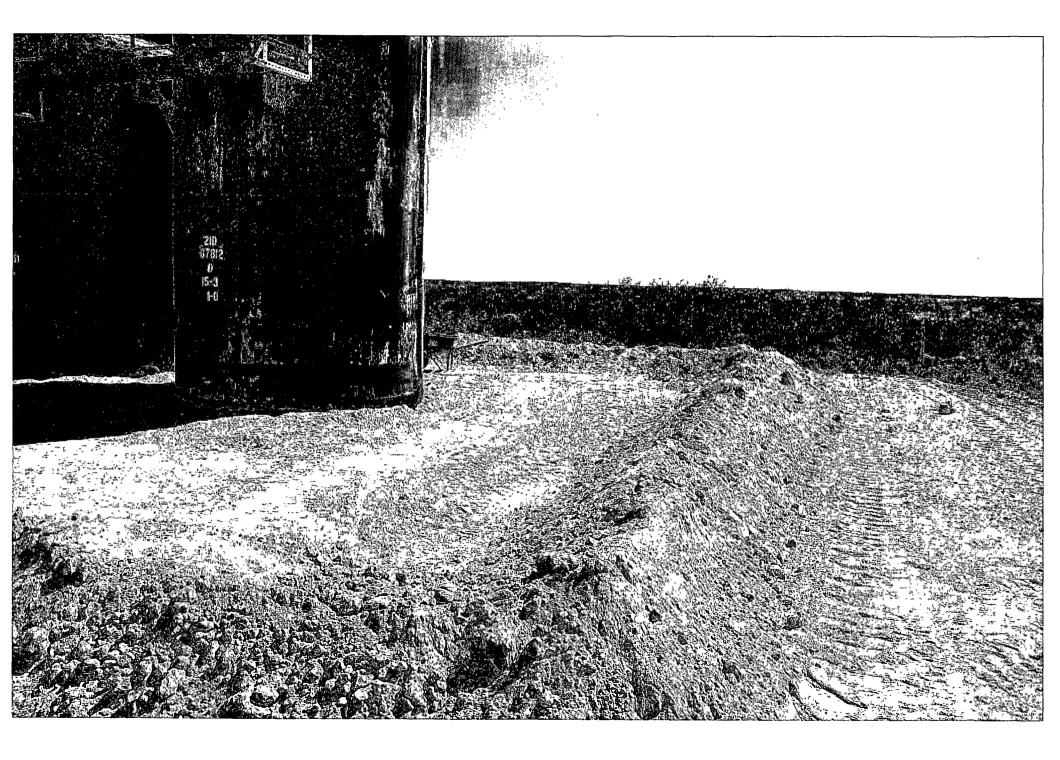
Oil Conservation Division 1220 South St. Francis Dr. Santa Fe. NM 87505 Form C-141 Revised October 10, 2003

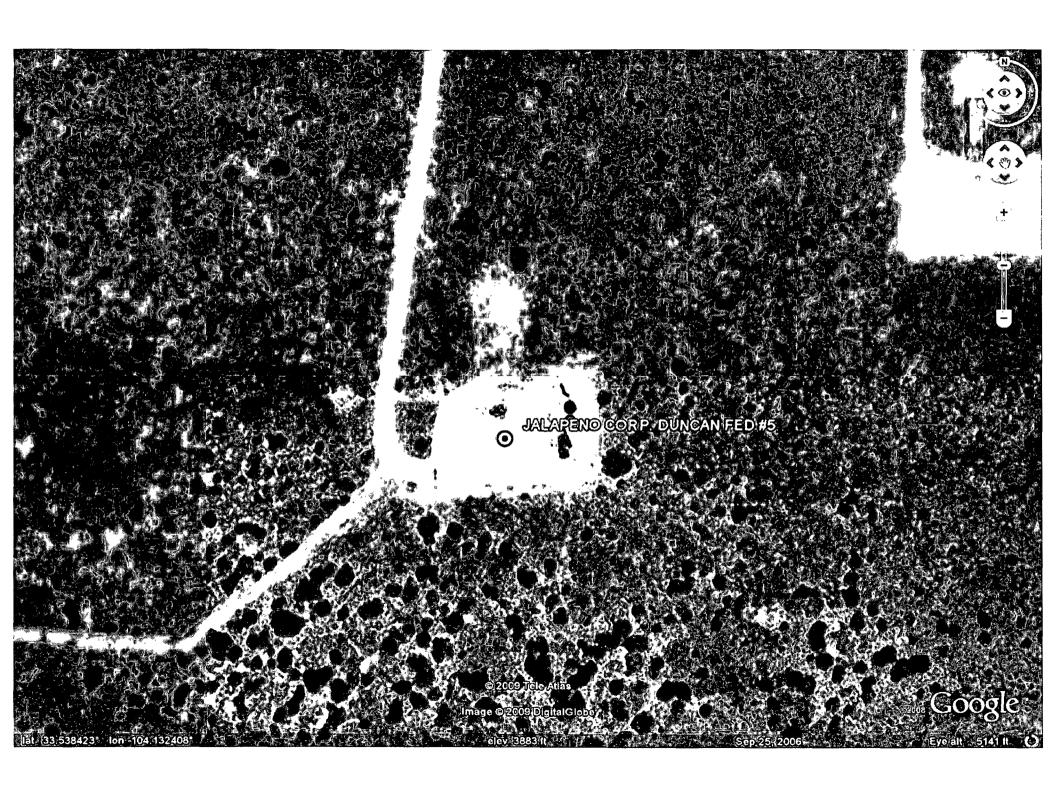
Submit 2 Copies to appropriate
District Office in accordance
with Rule 116 on back
side of form

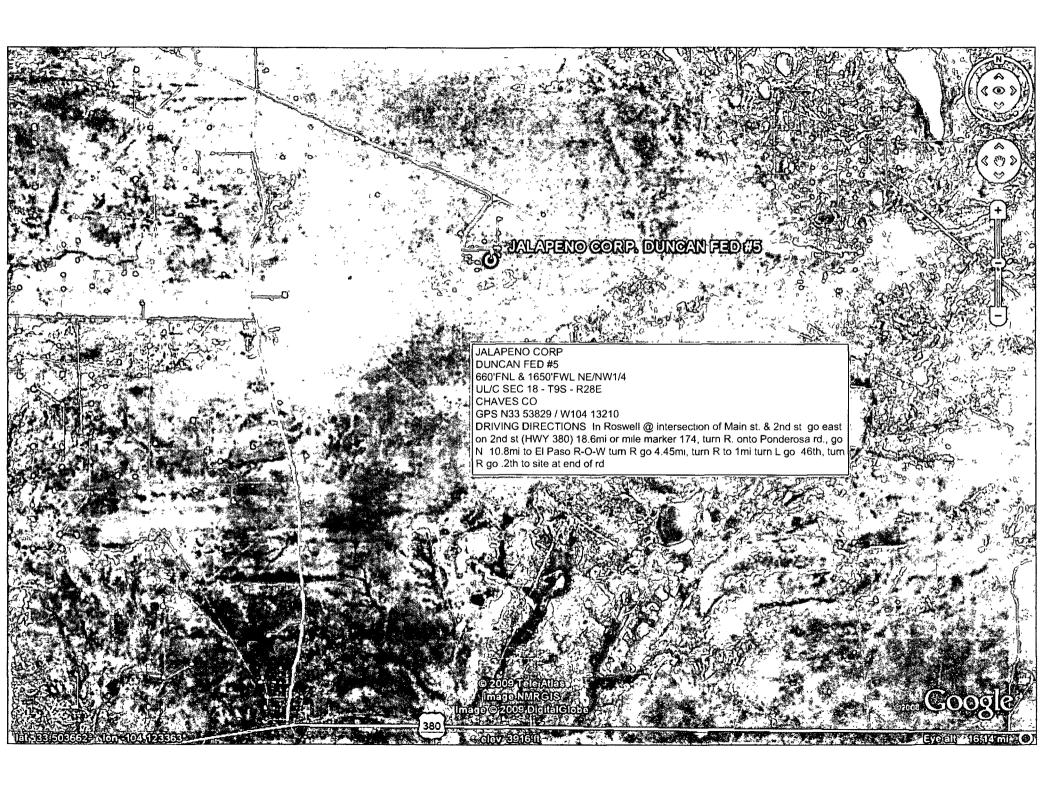
Odina	1°C, INIVI 07303				
Release Notification and Corrective Action					
✓	OPERATOR				
Name of Company: Jalapeno Corporation	Contact: Harvey E. Yates, Jr	Contact: Harvey E. Yates, Jr. or Jun Barrack			
Address: P.O. Box 1608; Albuquerque, NM 87103	Telephone No.: 505-242-2050				
Facility Name: Duncan Federal #5 Well	Facility Type: Oil Well				
Surface Owner: BLM Mineral Owne	r: BLM	Lease No.: NM 12557			
LOCATIO	ON OF RELEASE				
Unit Letter Section Township Range Feet from the Nor	th/South Line Feet from the E	ast/West Line County			
C 18 9-S 28-E 660	North 1650	West Chaves			
Latitude	Longitude	-			
NATUR	E OF RELEASE				
Type of Release: Oil	Volume of Release: 65 bbls-	Volume Recovered			
	30 bbis of oil in firewall & 35 bbis of oil in water tank	25 bbls of oil			
Source of Release: Oil tank	Date and Hour of Occurrence:	Date & Hour of Discovery:			
M. I. II. M. C.	8/21-22/09	8/22/09			
Was Immediate Notice Given? ☐ Yes ☐ No ☐ Not Require		sia Office & BLM by urgent fax a short time en to office on Monday morning.			
By Whom? Jun Barrack	Date and Hour. 8/24/09 11:30 a.m.				
Was a Watercourse Reached?	It YES, Volume Impacting the Watercourse.				
☐ Yes ☒ No	3				
If a Watercourse was Impacted, Describe Fully.*	i .				
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					
Frewall. A vacuum truck was called to remove the oil and appr. 25 bl	•	,,			
Describe Area Affected and Cleanup Action Taken.*		being country in nation to a disposal state.			
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 p		• •			
me the OCD and the result of the testing will be sent to the OCD. If sa		•			
sovered 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.	does not reneve the operator of resp	onstoring for compliance with any other			
Jalapeno Corporation OIL CONSERVATION DIVISION					
Signature: by Musical March 19					
Printed Name: Harvey E. Yates, Jr.	Approved by District Supervisor:				
Title: President	Approval Date:	Expiration Date:			
E-mail Address:	Conditions of Approval:	Attached [

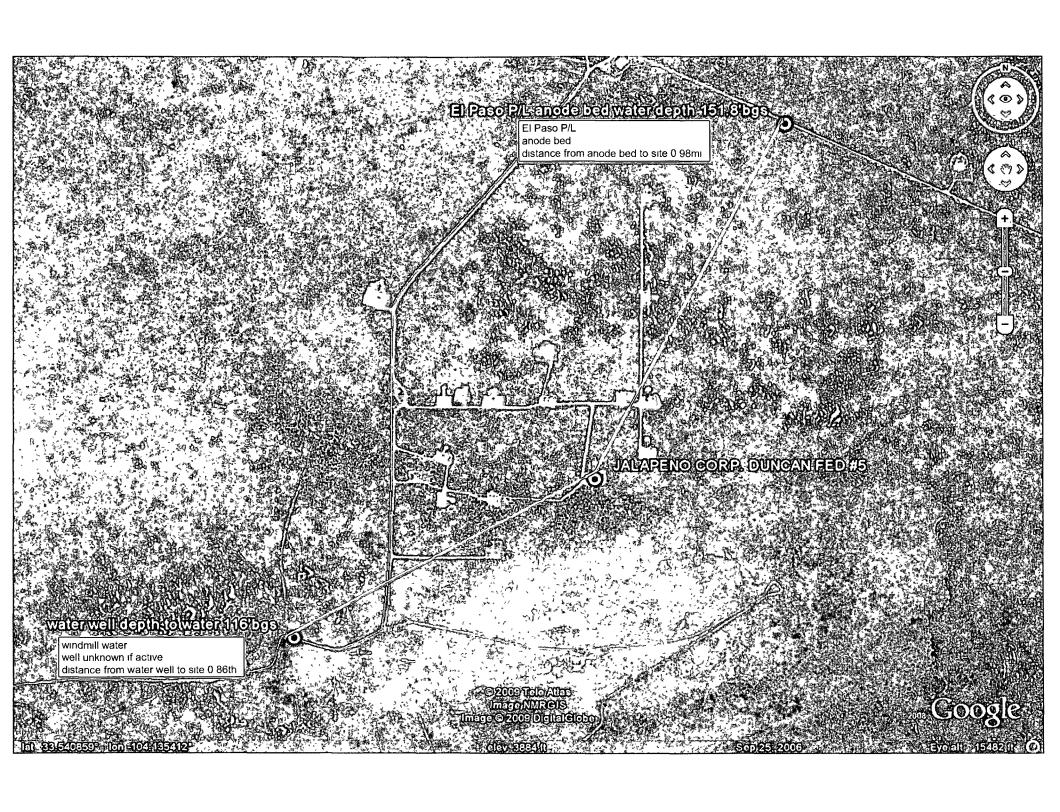
Phone: 505-242-2050

Date: S/S//OS P
* Attach Additional Sheets If Necessary







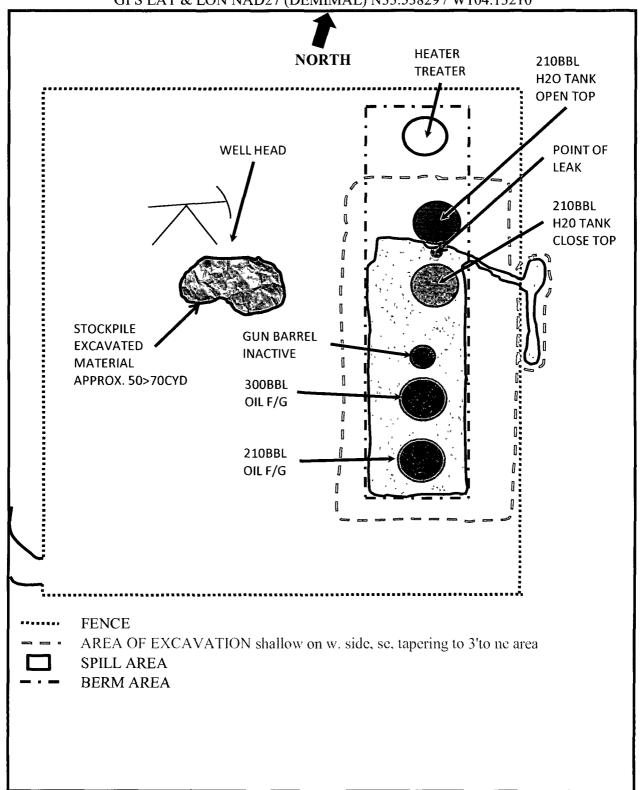


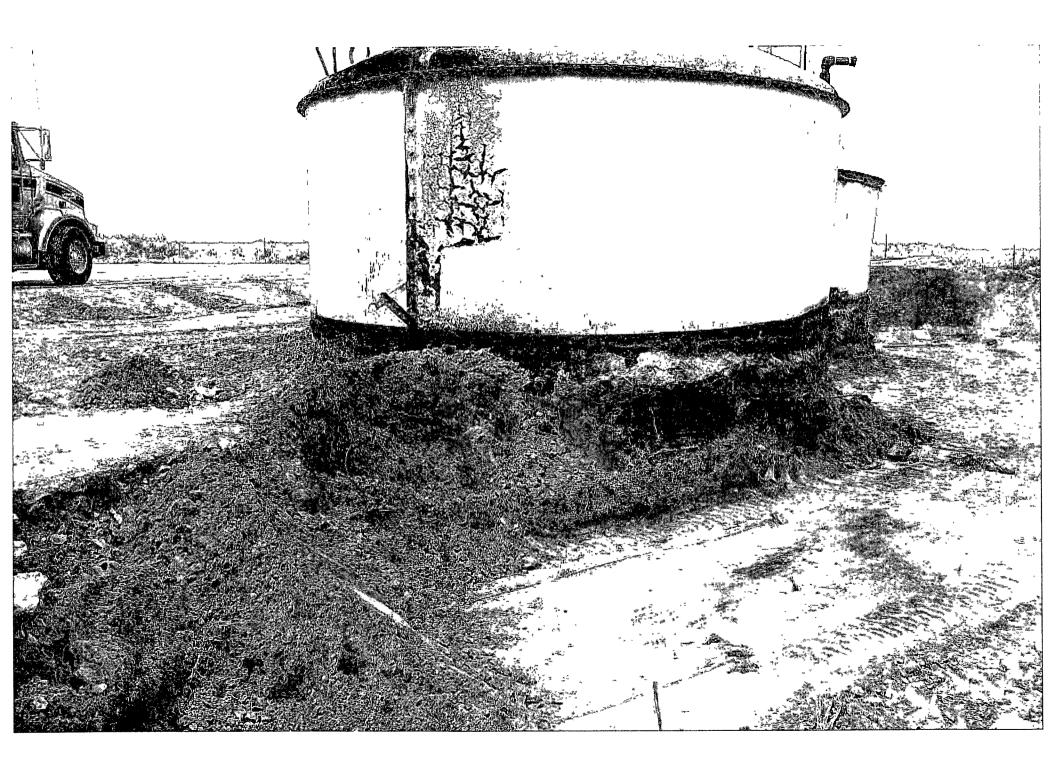
JALAPENO CORP.

DUNCAN FED #5 SPILL SITE

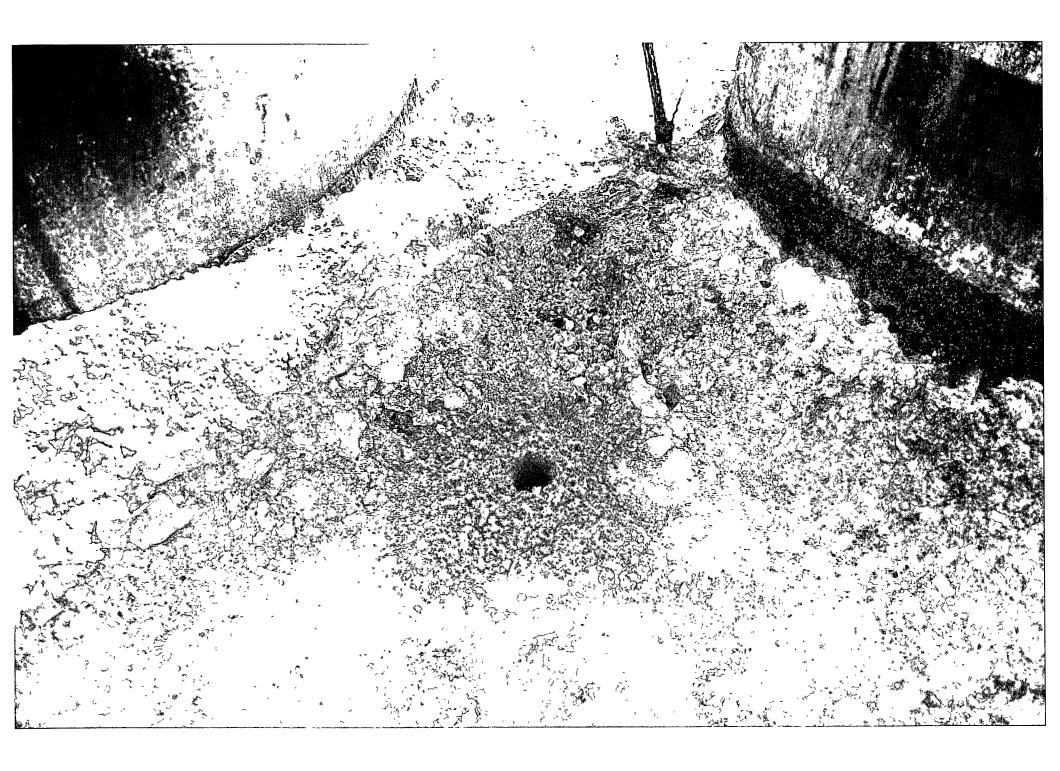
660' FNL / 1650'FWL NE/NW 1/4 DEPTH TO GW APPROX. 137' UL/C SEC. 18 - T9S - R28E CHAVES CO.

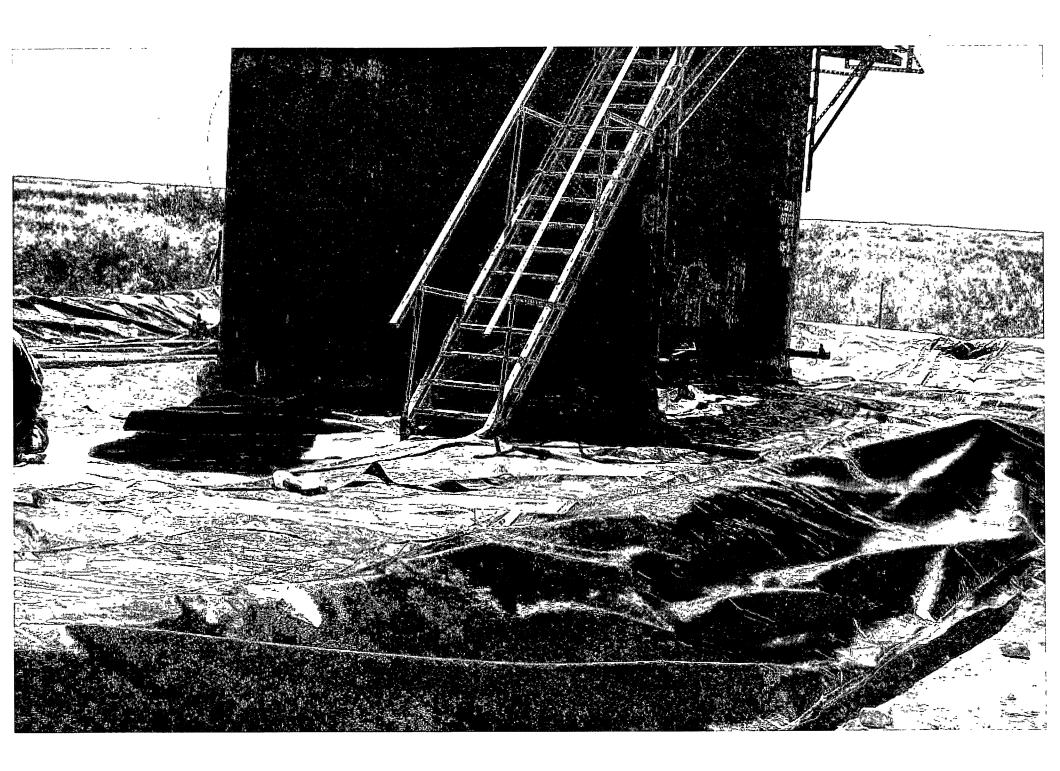
GPS LAT & LON NAD27 (DEMIMAL) N33.53829 / W104.13210











SITE ASSESMENT 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

DE	PTH TO GR	OUND WATE	R	
(Vertical distance from conta	minants to seasona	l high water elevation of	f ground water.)	
Less than 50' BGS	(20 points)	C	,	- [
50' to 99' BGS	(10 points)			
Greater than 100' BGS	(0 points)	0		
WE	LLHEAD PRO	OTECTION ARE	A	
(Less tan 200' from a private	domestic water sou	irce, or; less than 1000' f	from all other water sou	ırces
YES	(20 points)			
NO	(0 points)	0		
DISTA	NCE TO SUR	FACE WATER B	ODY	
(Horizontal distance to perent	nial lakes, ponds, r	ivers, streams, creeks, ir	rigation canals, and dite	ches)
Less than 200'	(20 points)			1
200' to 1000'	(10 points)			l
Greater than 1000'	(0 points)	0		
RANKING SCOR	E TOTAL POINT	S 0		
CLEAN - UP TARG	ET CONCEN	ΓRATIONS 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 me	asurement of 100 p	pm may be substituted f	For a laboratory analysis	j.
** The contaminant concentr	ation for TPH is th	e concentration above ba	ackground levels.	
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GANDY-MARLEY, INC.
P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

LEASE OPERATOR/SHIPPER/COMPANY JALA END
LEASE NAME: " DUNCAR TEND TO SEE
TRANSPORTER COMPANY SABLING TIME 177 65 AM/PM)
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AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET. OPERATOR/SHIPPEP 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. ALSO AS A CONDITION TO GANDY-MARLEY, INC.'S ACCCEPTANCE OF THE MATERIAL S SHIPPED WITH THIS JOB TICKET, TRANSPORTER REPRESENTS AND WARRANTS THAT ONLY THE MATERIAL DELIVERED BY OPERATOR/SHIPPER TO TRANSPOPTER 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 edditional materials were added to this load, and that the material was delivered without incident. DRIVER FACILTY REPRESENTATIVE

Superior Printing Service, Inc

GANDY-MARLEY, INC. P. O. Box 1658 Roswell, NM 88202

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A SALANDA OF STANDAY SO SALANDARANA

P. O. Box 1658
Roswell; NM 88202
Office (575) 347-0434
Fax (575) 347-0435
LEASE OPERATOR/SHIPPER/COMPANY JALAPENO CORP
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TRANSPORTER COMPANY Lib. Market. TIME 417 AMI/PM)
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AS A CONDITION TO GANDY-MARLEY INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET,
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Superior Printing Service Inc

GANDY-MARLEY, INC.
P. 0. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

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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 RESOJRCE, 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 OF PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY
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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.
FACILTY REPRESENTATIVE
White - GM* - Shipper Pink*- GM* Gold Transporter

Superior Frinting Service, Inc.

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

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Fax (575) 347-0435
LEASE OPERATOR/SHIPPER/COMPANY JALAPENA CORP.
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Supendi Panting Service, inc

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

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Suberor Profinc Service Inc

P. O. Box 1658 Roswell, NM 88202 Office (575) 347-0434 Fax (575) 347-0435
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FACILTY REPRESENTATIVE
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GANDY-MARLEY, INC.

Roswell, NM 88202 Office (575) 347-0434 Fax (575) 347-0435
LEASE OPERATOR/SHIPPER/COMPANY COMPANY
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TRANSPORTER COMPANY 65 TIME 1100 & AM/PM
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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
FACILTY RÉPRESENTATIVE
White - GM, Canary - Shipper Pink - GM, 'S Go'd - Transporter

Superior Rrinting Service. Inc

LEASE OPERATOR/SHIPPER/COMPANY LEASE NAME TRANSPORTER COMPANY DATE VEHICLE NO. DRIVER NO. CHARGE TO TYPE OF MATERIAL OCD [] Other Material [] Contaminated soil [] I C-117 No. [] I SS&W content Description Description AS A CONDITION TO GANDY-MARLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, CPERATOR/SHIPPER REPRESENTS AND WARRANTS THAT THE WASTE MAIL SHIPPED HEREWITH IS MATERIAL EXAMPLE FROM THE RESOURCE, CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME, 20 U.S.O. 56901, et seq., THE NM HEALTH AND SAF CODES, \$361,011, et seq., AND REGULATIONS PELATED THERETO. BY WITHUE 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 REPRESENTS AND WARRANTS THAT ONLY THE MATERIAL DELIVERED BY OPERATOR-SHIPPER TO TRANSPORTER REPRESENTS AND WARRANTS THAT ONLY THE MATERIAL DELIVERED BY OPERATOR-SHIPPER TO 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 tencered by the aboved described singper. This will certify that no additional materials were added to this load, and that the material was delivered without incident DRIVER FACILITY REPRESENTATIVE						
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GANDY-MARLEY, INC.
P. O. Box 1658
Roswell, NM 88202
Office (575) 347-0434
Fax (575) 347-0435

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GANDY-MARLEY, INC. P. O. Box 1658 Roswell, NM 88202

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

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GANDY-MARLEY, INC. P. O. Box 1658 Roswell, NM 88202 Office (575) 347-0434 Fax (575) 347-0435 LEASE OPERATOR/SHIPPER/COMPANY LEASE NAME BUSINESS NAME AM/PM TRANSPORTER COMPANY TIME DRIVER NO. VEHICLE NO. DATE CHARGE TO TYPE OF MATERIAL OCD [🗐 Contaminated soil . [] C-117 No._ 1 Other Material [1 BS&W content _ Description____ VOLUME OF MATERIAL [/ 1: YARDS 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 SAR 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 ALSO AS A CONDITION TO GANDY-MARLEY, INC 'S ACCCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET TRANSPORTER REPRÉSENTS 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 FACILTY REPRESENTATIVE Gold - Transporte Wate - GMs

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, Superior Printing Service, Inc.

GANDY-MARLEY, INC.

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

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LEASE OPERATOR/SHIPPER	R/COMPANY THEATRIC CARPE A W
LEASE NAME	J. F. O. J. S. C. March. Commission of the Commi
TRANSPORTER COMPANY	TIME TOS AMPM
DATE : OS OS V	/EHICLE NO. F. C. DRIVER NO.
CHARGE TO	
,	TYPE OF MATERIAL
	OCD
[] Other Material [Contaminated soil [] C-117 No.
] BS&W content
Description 🚨 🏝 🗸	· · · · · · · · · · · · · · · · · · ·
VOLUME OF MATERIAL []	: YARDS: CELL#:[_]:
OPERATOR/SHIPPER REPRESENTS A EXEMPT FROM THE RESOURCE, CON U.S.C. \$6901, et seq., THE NM HEALTI VIPTUE OF THE EXEMPTION AFFORE RATION, DEVELOPMENT OR PRODUCT ALSO, AS A CONDITION TO GAME TICKET, TRANSPORTER REPRESENTS TO TRANSPORTER IS NOW DELIVERED THIS WILL CERTIFY that the above	RLEY, INC.'S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, AND WARRANTS THAT THE WASTE MATERIAL SHIPPED HEREWITH IS MATERIAL SERVATION AND RECOVERY ACT OF 1976, AS AMENDED FROM TIME TO TIME, 40 H AND SAF, CODES, \$361,001, et seq. AND REGULATIONS RELATED THERETO, BY DED CONTAMINATED SOILS AND OTHER WASTE ASSOCIATED WITH THE EXPLOSITION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY DY-MARLEY, INC.'S ACCCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB S AND WARRANTS THAT ONLY THE MATERIAL DELIVERED BY OPERATOR/SHIPPER ED BY TRANSPORTER TO GANDY-MARLEY, INC 'S FACILITY FOR DISPOSAL. Transporter loaded the material represented by this Transporter Statement at the above ered by the aboved described shipper. This will certify that no additional materials were all was delivered without incident.

10 mg/s) 10 mg/s 30 kg 1 mg/s
LEASE OPERATOR/SHIPPER/COMPANY JALAPENA COST
LEASE NAME TO CONTRACT TO SERVICE AND THE SERV
TRANSPORTER COMPANY TOS TIME TO AMILEM
DATE: 9-03-09 VEHICLE NO. 20 DRIVER NO.
CHARGE TO AND
TYPE OF MATERIAL
OCD
[] Other Material [] Contaminated soil [] C-117 No
[] BS&W content
Description
VOLUME OF MATERIAL []: YARDS:: CELL# : _CELL# :
AS A CONDITION TO GANDY-MARKEY, INC. S ACCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET. OPERATOR/SHIPPER REPRESENTS AND WARRANTS THAI THE WAS IT 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 ACCCEPTANCE OF THE MATERIALS SHIPPED WITH THIS JOB TICKET, TRANSPOPTER 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 FACILTY REPRESENTATIVE
White - GMI " Canage" Shipper , Pink - GM , (Guld - Tairsporte)

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The State

Superior Printing Service, inc

P. O. Box 1658 Roswell, NM 88202 Office (575) 347-0434 Fax (575) 347-0435 LEASE OPERATOR/SHIPPER/COMPANY LEASE NAME バーロ トラ TRANSPORTER COMPANY. TIME AM/PM VEHICLE NO. DRIVER NO. DATE Q - 122 - 139 CHARGE TO TYPE OF MATERIAL OCD] Other Material Contaminated soil \ ^[...] C-117 No BS&W content Description. VOLUME OF MATERIAL [1: 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. §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 OF PRODUCTION OF CRUDE OIL OF NATURAL GAS OR GEOTHERMAL ENERGY ALSO AS A CONDITION TO GANDY-MARLEY, INC.'S ACCCEPTANCE 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 **FACILTY REPRESENTATIVE** Write (3M) Gold Transporter

Superior Proting Sefuce, Inc.

GANDY-MARLEY, INC. P. O. Box 1658

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Roswell; NM 88202 Office (575) 347-0434
. Fax (575) 347-0435
LEASE OPERATOR/SHIPPER/COMPANY CLARPENS LOND
LEASE NAME DECEMBER SERVICE SERVICES
TRANSPORTER COMPANY TIME 3 75 AM/PM
DATE G G VEHICLE NO. F G DRIVER NO.
CHARGE TO
TYPE OF MATERIAL
OCD [] Other Material [] Contaminated soil [] C-117 No
[] Other Material [] Contaminated soil [] C-117 No
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VOLUME OF MATERIAL []: YARDS : CELL# :[]
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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 FACILTY REPRESENTATIVE
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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) 224 DATE YOUR ON TO SERVE NO. K. Co., DRIVER NO. CHARGE TO TYPE OF MATERIAL OCD] Contaminated soil 1 Other Material [] C-117 No.] BS&W content Description **VOLUME OF MATERIAL [1]: YARDS** : CELL# AS A CONDITION TO GANDY-MARLEY, NO.'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 seg "THE NM HEALTH AND SAF CODES, §381,001, et seg., 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 ACCCEPTANCE 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

FACILTY REPRESENTATIVE

White - GMI

Canary Strope

in a milita de la Colombia

Cold - Transporter

Superior Printing Service, Inc.



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.



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 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 though 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



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 -Sampling Date 09/03/09 Sample Type SOIL

Project Number: NOT GIVEN

Sample Condition: INTACT @ 16°C

Project Name: JALAPENO CORP. DUNCAN FED #5 SPILL Project Location: ROSWELL, NM - CHAVES COUNTY

Sample Received By: CK Analyzed By: CK/ZL

LAB NO SAMPLE ID

GRO DRO ETHYL TOTAL $(C_8\text{-}C_{10})$ (>C $_{10}\text{-}C_{28}$) BENZENE TOLUENE BENZENE XYLENES

(mg/kg) (mg/kg) (mg/kg) (mg/kg) (mg/kg)

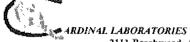
ANALYSIS DATE	09/04/09	09/04/09	09/04/09:	09/04/09;	09/04/09	09/04/09;
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Quality Control	445	464	0 053)	0.043	0.045	0 151
True Value QC	500	500	.0.050,	0 050	0.050	0 150
% Recovery	89.0	92.8	106	86 0	90 0	101
Relative Percent Difference	0.5	12	0.2	0.6	1.3	0.21

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, TOLUFNE, ETHYL BENZENE, AND TOTAL XYLENES
Not accredited for GRO/DRO.

l ab Director

Date



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

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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 though 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 DUNGAN FED #5
Project Location: CHAVES COUNTY, NM

Sampling Date: 09/09/09 Sample Type: SOIL

Sample Condition: INTACT @ 95°C

Sample Received By: ML

Analyzed By: AB

418.1 TOTAL TPH (mg/kg)

LAB NUMBER SAMPLE ID

ANALYSIS E	OATE	09/11/09
H18215-1	SPA@5'BGS	<100
H18215-3	SP D @ 8' BGS	<100
A 90	An agent day at the date	
	THE A STATE OF THE	and an annual control of the control
Quality Cont	rol	345
True Value C	QC	300
term with another way of	7 A	445
% Recovery		115

METHODS: EPA 418.1 Reported on wet weight.

Chemist

Date



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: 09/14/09 Project Owner: NOT GIVEN

Project Name: JALAPENO OPERATING DUNCAN FED #5

Project Location: CHAVES COUNTY

Analysis Date: 09/10/09 Sampling Date: 09/09/09

Sample Type: SOIL

Sample Condition: INTACT @ 9.5°C

Sample Received By: ML

Analyzed By. HM

		CF
LAB NO.	SAMPLE ID	(mg/kg)
H18215-1	SP A @ 5' BGS	128
H18215-2	SP B @ 8' BGS	656
H18215-3	SPD@8'BGS	272
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	W MINIMAN AN A New Heaville C security to the S and S bands S bands S bands of bands	
Quality Con	trol	500
True Value	W M	500
% Recovery	THE THE PROPERTY IS NOT THE PROPERTY OF THE PR	100
Relative Pe	rcent Difference	2.0
METHOD: Sta	andard Methods	4500-CIB

Note: Analyses performed on 1:4 w:v aqueous extracts.

Chemist

Date

kwomac, elliotw, & mcgriffin@vadose.us



Delivered By: (Circle One)

Sampler - UPS - Bus - Other:

RDINAL 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

Company Name:	~ ************************************								1	, ji	BILL TO ANALYSIS REQUEST										P					
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Project Location:	CHAVES COUNTY							*******	Phon	e#:																
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FOR LAB USE ONLY LAB ID #	SAMPLE L.D.	(G)RAB OR (C)OMP	CONTAINERS	3ROUNDWATER	WASTEWATER	TIOS	IX I io	SLUDGE	OTHÈR:	ACID/BASE.	3ERV.	OTHER	SAMP DATE	LING TIME	CAT'S & ANS	IId	BTEX	CL-	TPH 418.1	8015M						
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analyses All clain service In no ever affiliates or succes Relinguished By: I	Liability and Damages Cardinal's lial instructions including those for negligence and a cut shall Cardinal be liable for incidenta ssors arising out of or related to the per ROY R. RASCON Date: 9-10-09	nv other l or conformant Recei	er caus iseque ce of s	e wha ntal d <u>ervic</u>	atsoeve amage	er shall s incl	l be de uding	emed withou	waive ut limi	d unles tation.	ss mad busin	e in w ess int	riting and . erruptions.	received by loss of use	Card on or k on any sult;	inal w iss of t of the	ithin 3 profits <u>abovi</u> es	incurr stated	s after ed by	compl client, ns or c l Phon	etion o its sub otherw e #:	of the a osidiari	ipplicat	ole	to se service an	TOTAL OF PROSPERS OF
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CHECKED BY:
(Initials)

Time:

Sample Condition Cool In

[†] Cardinal cannot accept verbal changes, Please fax written changes to 505-393-2476



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 though 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



ANALYTICAL RESULTS FOR WHOLE EARTH ENVIRONMENTAL, INC. ATTN: ROY R. RASCON 2103 ARBOR COVE KATY, TX 77494

Receiving Date: 09/11/09

LAB NUMBER SAMPLE ID

FAX TO: (281) 394-2051

Reporting Date: 09/14/09

Project Owner: NOT GIVEN

Project Name: JALAPENO OPER. DUNCAN FED #5 SPILL Project Location: CHAVES COUNTY, NM

Sampling Date: 09/09/09 Sample Type: SOIL

Sample Condition: INTACT @ 15.5°C

Sample Received By: ML Analyzed By: AB/HM

418.1 TOTAL TPH

(mg/kg)

CI* (mg/kg)

ANALYSIS [DATE	09/11/09	09/14/09
H18229-1	EXCAVATED SOIL 24PT	2,870	352
,	COMP. (BLENDED))
		A	
<u> </u>			1
	and successions of the succession of the success		
Quality Cont	rol	345	500
True Value (300	500
% Recovery		115	100
Relative Per	cent Difference	0.4	≟

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

Reported on wet weight



2111 Beechwood, Abilene, TX 79603 101 East Marland, Hobbs, NM 88240 (325) 673-7001 FAX (325)673-7020 (505) 393-2376 FAX (505) 393-2476

Company Name:	WHOLE EARTH ENVIRONMENTAL INC.									デート 決 BILL TO . **						ANALYSIS REQUEST										
Project Manager	RO	R. RA	SCON	I	***************************************	ennese ummane e	***************************************	27 200 % ac-	P.O. #	:		***************************************														
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City:	State:		Zip:				•••••		Attn:))			ı	
Phone #:	Fax#:			. ,		4002.2000			Address:															l	l	, ,
Project Owner:									City:														ı	1	1	
Project Name:	JALAPENO OPER.	DUNC	AN FI	D #5 S	PILL				State: Zip:														l		ı	
Project Location:	D: CHAVES COUNTY								Phone #:															- 1	ı	
Sampler Name:	ROY R. RASCON								Fax#:															1		
	A MATRIX									PRES	ERV.		SAMPI	LING										-	I	
FOR LAB USE ONLY LAB ID #	SAMPLE I.D.	(G)RAB OR (C)OMP	# CONTAINERS	GROUNDWATER	WASTEWATER	SOIL	OIL	SLUDGE	OTHER ·	ACID/BASE:	ICE / COOT	ОГИЕВ	DATE	TIME	CATS & ANS	H	BTEX	CL.	ТРН 418.1	8015M						
1118229-1	excavated soil 24pt comp. (blended)	С	ı	1		X					Х		9/9/09	338				Х	Х						Ī	
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analyses Alf clain service. In no eve affiliates or succe Relinquished By:	: Liability and Damages Cardinal's liams including those for negligence and ant shall Cardinal be liable for incidents assors arising out of or related to the per ROY R. RASCON Date: 9-10-09 Time: 9-10-09 Date: Time:	iny oth- il or cor forman Rece	er caus useque ice of s ived B	se wha ntal da serviće v:	tsoeve mage: s here	r shali s. mch	be dec	emed v	vaived t limit	unless ation.	s mad busine	e in wi	riting and r erruptions	loss of use based upo Phone Re Fax Resul	Cardi , or loon any sult:	inal wiss of poor the Yes	thin 30 rofits above	o days incurre stated No No	after of d by of reason Add'i Add'i	completient, it is or or or Phone Fax #:	thion of its substitute the rwise #:	the argidiariesse.	oplicab es, O: r	oyr .	, mil	
Delivered By: (C	Circle One)		* * ** *	Sa		Conditi		~	~v	,	ĈĤ		ED BY:	k	wo	mac	e, ell	iotv	v, &	mc	grif	fin@	vae	dose	.us	i
Sampler - UPS -	Bus - Other:	72			Cool	Yes.	Intac	Yes No	· ·	Ċ	W	(Joit)	als)													

[†] Cardinal cannot accept verbal changes. Please fax written changes to 505-393-2476

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 ANALISYIS IN RED Benzene (mg/Kg)	Toluene (mg/Kg)	Fthyl- benzene (mg/Kg)	Total Avlenes (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
exeavated soil 12pt comp	50> 70 cyds	9/3/09	excavated	N/A	866	<0.050	<0.050	0 333	0 676	N/A	192	578	N/A	N/A	N/A	N/A
SP A	2 5'bgs			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	<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
	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
	7 0' bgs	9/9/09	auger gas /	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
	8 0' bgs	9/9/09	hand, grab	N/A	609	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
	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
SP D	7 0' bgs		1	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
	8 0' bgs			N/A	255	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<100	272	N/A
exeavated 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