1R- 434

GENERAL CORRESPONDENCE





Michael H. Feldewert Recognized Specialist in the Area of Natural Resources - oil and gas law - New Mexico Board of Legal **Specialization**

mfeidewert@hollandhart.com

August 28, 2008

Via Hand Delivery

Mr. Wayne Price Environmental Bureau Chief **Oil Conservation Division** New Mexico Energy, Minerals and Natural Resources Department 1220 South Saint Francis Drive Santa Fe, New Mexico 87505



Paladin's Howard Fleet #4 Salt Water Disposal Well in UL O, Section 35, Re: Township 13 South, Range 37 East, Lea County.

Dear Mr. Price:

Since receipt of your August 21st letter, it is my understanding you have conferred with Cliff Brunson (BBC International) and agree that Paladin should be provided with an opportunity to access the two wells referenced in your letter (the Alexander Farms irrigation well and the nearby abandoned McCory ranch stock well) for the purpose of obtaining current data on the water conditions. Upon receipt of the lab data, Paladin will forward the lab results to you for further consultation. Paladin intends to accomplish this analysis and consultation before October 11, 2008.

By copy of this letter to Patrick McMahon, the attorney for Alexander Farms, I am requesting that he provide my office with permission and dates in September to conduct sampling at these two wells.

Paladin appreciates the Division's cooperation in this matter.

Sincerely,

, Seldwert

Michael H. Feldewert

Patrick McMahon, attorney for Alexander Farms CC. Cliff Brunson, BBC International Edward Hansen, Division Hydrologist George Fenton, Paladin Energy Corp.

Holland & Hart up

Phone [505] 988-4421 Fax [505] 983-6043 www.hollandhart.com

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New Mexico Energy, Minerals and Natural Resources Department

Bill Richardson Governor

Joanna Prukop Cabinet Secretary

Reese Fullerton

Oil Conservation Division

Mark Fesmire

Division Director

August 21, 2008

Ocean Munds-Dry Holland & Hart P.O. Box 2208 Santa Fe, New Mexico 87504-2208

Re: Paladin Energy Corp., OGRID 164070 Groundwater Monitoring Well(s) Required at the "Howard Fleet #4" Salt Water Disposal Well UL O, Section 35, Township 13 South, Range 37 East, NMPM Lea County, New Mexico near Alexander Farms (1R0434)

Dear Ms. Munds-Dry:

The New Mexico Oil Conservation Division (OCD) is in receipt of your letter, dated July 18, 2008, regarding the OCD's request that Paladin Energy Corp. (Paladin) install a groundwater monitoring well or wells between the "Howard Fleet #4" well and two wells in which groundwater contamination has been discovered. As explained in previous letters from the OCD to Paladin, chloride contamination has been discovered at the Alexander Farms irrigation well and the nearby abandoned McCrory ranch stock well. The plugged and abandoned "Howard Fleet #4" salt water disposal well is located near and up-gradient from those two wells and is the apparent source of the contamination. The "Howard Fleet #4" was operated by Paladin and is located on Paladin's lease.

OCD Rule 19.15.3.116.D NMAC requires the responsible person to complete divisionapproved corrective action for releases which endanger public health or the environment. Releases must be addressed in accordance with a remediation plan submitted to and approved by the division or with an abatement plan submitted in accordance with Section 19 of 19.15.1 NMAC. The installation of a monitor well or wells will help in delineating



Ocean-Munds-Dry August 21, 2008 Page 2

the extent of the contamination and in preparing a remediation or abatement plan. I understand that Paladin takes the position that the "Howard Fleet #4" is not responsible for the contamination; the groundwater monitoring well(s) should also provide information on the source of the contamination.

A plan for installing a groundwater monitoring well or wells must be submitted to the OCD by <u>Thursday</u>, <u>September 11, 2008</u>. The plan must include a proposed location map, construction diagram, and sampling and analysis plan, and a schedule for installation. (See the Division's letter of April 23, 2008).

The OCD is writing this final letter regarding the installation of groundwater monitoring well(s) in hopes of mutual cooperation. Failure to install groundwater monitoring well(s) as directed above will result in the OCD filing an application for hearing to obtain an order requiring Paladin to submit and complete an abatement or remediation plan.

If you have any questions regarding this matter, please do not hesitate to contact Edward J. Hansen at (505) 476-3489 or <u>edwardj.hansen@state.nm.us</u>.

Sincerely,

Wayne Price Environmental Bureau Chief

LWP:EJH:ejh

 OCD District I Office, Hobbs, NM
 Gail MacQuesten, OCD, Santa Fe, NM
 Michael Horn, Paladin Energy Corp., 4006 Dunkirk, Midland, TX 79707 w/att.
 Patrick B. McMahon, Heidel, Samberson, Newell, Cox & McMahon, P.O. Drawer 1599, Lovington, NM 88260 HOLLAND&HART

Ocean Munds-Dry omundsdry@hollandhart.com

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July 18, 2008

VIA HAND-DELIVERY

Wayne Price Environmental Bureau Chief New Mexico Oil Conservation Division 1220 S. St. Francis Drive Santa Fe, New Mexico 87505

Re: Paladin's Howard Fleet #4 Well in UL O, Section 35, Township 13 South, Range 37 East, Lea County, New Mexico.

Dear Mr. Price:

We are in receipt of your letter dated July 1, 2008, requesting that a groundwater monitoring well be installed by Paladin Energy Corporation ("Paladin"). Your letter is in response to our letter dated June 24, 2008.

Our June 24th letter requested specific information from the Division in order to evaluate its requests. Your response simply refers us to the Division's electronic files. A review of those referenced electronic files leaves a number of Paladin's inquires left unanswered, specifically:

A. Paladin requested the exact location of the "Alexander Farms irrigation well" (the well first referenced in the Division's June 7, 2007, letter) and the depth of groundwater utilized by that well.

B. Paladin requested any analysis of the water from the Alexander Farms irrigation well. A February 11, 2005 e-mail from you to Mr. Patrick McMahon, attorney for Alexander Farms, states the district office collected groundwater samples and one of the field inspectors reviewed well files for some of the closest wells near the Alexander Farm. None of this information has been provided to Paladin.

D. Information on the gradient relationship between the Manzano Rum Point State Well No. 1 and the Alexander Farms irrigation well and now the "abandoned McCrory ranch stock well."

E. Any maps that reflect the gradient of the groundwater in the area.

Holland & Hart LLP

110 North Guadalupe Suite 1 Santa Fe, NM 87501 Mailing Address P.O. Box 2208 Santa Fe, NM 87504-2208

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Wayne Price July 18, 2008 Page 2

In addition to failing to provide this basic information, the Division's first letter to Paladin dated June 7, 2007, requested a groundwater monitoring well between the Howard Fleet Well No. 4 and <u>an irrigation well</u> in Section 2, Township 13 South, Range 37 East. Now the Division requests that Paladin install a groundwater monitoring well between the Howard Fleet Well No. 4 and the abandoned <u>McCrory ranch stock well</u> located in the SE/4 SE/4 of Section 35, Township 13 South, Range 37 East. Since the Division's requests have now changed, and its files reference a number of wells, please identify:

1. The exact location of the "abandoned McCrory ranch stock well;"

2. The date when this stock well was abandoned;

3. The depth of this abandoned stock well;

4. The reason that the location of the Division's request for a monitor well has changed (from the irrigation well in Section 2 to the abandoned stock well in Section 35);

5. The owner of the property containing this abandoned stock well;

6. The basis for the Division's belief that the Howard Fleet well is a contributor or source of the chlorides in this abandoned stock well; and

7. Whether the Division required any other oil and gas operators of properties with wells in the area to install groundwater monitoring wells, and if so, the name of the operator(s) and the results of the Division's requirements.

Please appreciate that without this basic information, Paladin is not in a position to evaluate the Division's new request for a monitoring well or to submit any plan by Tuesday, July 22, 2008.

Sincerely,

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Ocean Munds-Dry for Holland & Hart LLP

cc: Edward J. Hansen, OCD Gail MacQuesten, OCD David Plaisance, Paladin New Mexico Energy, Minerals and Natural Resources Department

Bill Richardson Governor

Joanna Prukop Cabinet Secretary

Reese Fullerton

Deputy Cabinet Secretary



Mark Fesmire Division Director Oil Conservation Division

July 1, 2008

Michael H. Feldewert Holland & Hart P.O. Box 2208 Santa Fe, New Mexico 87504-2208

Re: Groundwater Monitoring Well(s) Required at the "Howard Fleet #4" Salt Water Disposal Well UL O, Section 35, Township 13 South, Range 37 East, NMPM Lea County, New Mexico near Alexander Farms (1R0434)

Dear Ms. Feldewert:

The New Mexico Oil Conservation Division (OCD) is in receipt of your letter, dated June 24, 2008, regarding the above referenced well. Regarding the information requested in your letter, please find the information available to the OCD at the following: <u>http://ocdimage.emnrd.state.nm.us/imaging/AEOrderFileView.aspx?appNo=pLWP05042</u> 52270

If you feel additional information is needed, the OCD recommends that Palandin obtain the services of an environmental consultant. However, the OCD cannot recommend a specific company.

Please keep in mind that the OCD is requiring that a groundwater monitoring well(s) be installed by Palandin Energy Corp. between the plugged disposal well and the contaminated McCrory ranch stock well. A plan must be submitted to the OCD by <u>Tuesday</u>, July 22, 2008. The Plan must include a proposed location map, construction diagram, and sampling and analysis plan, and a schedule for installation for the groundwater monitoring well(s). (see the Division's letter of April 23, 2008).



Michael H. Feldewert July 1, 2008 Page 2

If you have any questions regarding this matter, please do not hesitate to contact Edward J. Hansen at (505) 476-3489 or <u>edwardj.hansen@state.nm.us</u>.

Sincerely,

Wayne Price Environmental Bureau Chief

LWP:EJH:ejh

CCD District I Office, Hobbs, NM
 Gail MacQuesten, OCD, Santa Fe, NM
 Michael Horn, Palandin Energy Corp., 4006 Dunkirk, Midland, TX 79707 w/att.
 Patrick B. McMahon, Heidel, Samberson, Newell, Cox & McMahon, P.O. Drawer 1599, Lovington, NM 88260

HOLLAND&HART

June 20, 2008

 $\mathbb{R} \in \mathbb{C} \in \mathsf{IV} \in \mathsf{D}_{\mathsf{Michael H. Feldewert}}$ **Recognized Specialist in the Area of** 2008 JUN 23 PM 3 Notural Resources - oil and gas law - New Mexico Board of Legal Specialization

mfeldewert@hollandhart.com

1R434

Mr. Wayne Price Environmental Bureau Chief **Oil Conservation Division** New Mexico Energy, Minerals and Natural Resources Department 1220 South Saint Francis Drive Santa Fe, New Mexico 87505

Re: Paladin's Howard Fleet #4 Salt Water Disposal Well in UL O, Section 35, Township 13 South, Range 37 East, Lea County.

Dear Mr. Price:

By letter dated June 7, 2007, the Division informed Paladin that it had received a "complaint regarding the water quality of an irrigation well" at the Alexander Farms. The Division indicated the irrigation well was located in the NW/4 NE/4 of Section 2, T14S, R37E at an undisclosed distance "south of" a plugged well (the Howard Fleet No. 4) located on acreage leased by Paladin in the SW/4 SE/4 of Section 35. Without providing additional information, the Division suggested this plugged well on Paladin's acreage was a potential source of the "water quality" issues in the irrigation well and requested that Paladin drill a groundwater monitoring well somewhere between this plugged well and the "contaminated irrigation well."

By letter dated June 26, 2007, our office informed the Division that Paladin acquired the leased acreage in 1997, that Paladin had never utilized or operated the Howard Fleet No. 4 well, that this well had been plugged and abandoned in 1975 by Cabot Corporation, and that Division records approving the plugging operations show four cement plugs set at various intervals from the surface to 4600 feet. Paladin also noted that a Manzano operated well (the Rum Point State Well No. 1) located in Section 2 and re-completed in the Devonian formation in 2002 was a more likely candidate for whatever "contamination" existed at the irrigation well. Paladin asked the Division to provide more information about the nature of the complaint, the type of "contamination" noted, the location of the irrigation well, and the depth of the irrigation well.

Holland & Hart LLP

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June 20, 2008 Page 2

HOLLAND&HART

The Division's April 23, 2008, response letter does not provide any of the information requested by Paladin. Instead, the Division references recent sampling done by Eddie Seay at an <u>abandoned "McCory ranch stock well</u>" in the SE/4 SE/4 of Section 35. This stock well is apparently located Northeast of the irrigation well and was "abandoned several years earlier with a cap welded on top." According to the sampling, this abandoned McCory ranch stock well has elevated levels of chlorides. A handwritten note on Mr. Seay's April 14th letter states "[t]his is the most recent development with Alexander Farms."

In order to understand the issues, Paladin again requests information about whatever water quality issues exist <u>at the irrigation well</u>, including the following:

A. A copy of the "complaint" giving rise to the Division's June 7, 2007, letter;

B. The location of the irrigation well and the depth of the groundwater utilized by that irrigation well;

C. The nature of the "water quality" issues at the irrigation well and any analysis of the water from that well;

D. The gradient relationship between the Manzano Rum Point State Well No. 1 and the irrigation well;

E. The depth of the groundwater extracted and sampled from the abandoned McCory ranch stock well;

F. Identification of any other "developments" with Alexander Farms other than the "most recent development" reflected on Mr. Seay's April 14, 2008 letter; and

G. Any maps provided to or generated by the Division that reflect the gradient of the groundwater in the area.

If you have any questions about these requests, please feel free to contact my office.

Sincerely,

Michael H. Feldewert

MHF

New Mexico Energy, Minerals and Natural Resources Department

Bill Richardson Governor

Joanna Prukop Cabinet Secretary

Reese Fullerton



Mark Fesmire Division Director Oil Conservation Division

April 23, 2008

Ocean Munds-Dry Holland & Hart P.O. Box 2208 Santa Fe, New Mexico 87504-2208

Re: Groundwater Monitoring Well(s) Required at the "Howard Fleet #4" Salt Water Disposal Well UL O, Section 35, Township 13 South, Range 37 East, NMPM Lea County, New Mexico near Alexander Farms (1R0434)

Dear Ms. Munds-Dry:

The New Mexico Oil Conservation Division (OCD) is in receipt of your letter, dated June 26, 2007, regarding the above referenced well. Since then the OCD has received additional information regarding this site (see attached). The chloride and TDS concentration at the McCrory ranch stock well (sampled this month) at 1,860 mg/L and 3,990 mg/L, respectively, is a clear indication of groundwater contamination. The background chloride concentration in this area ranges from ~50 to ~100 mg/L.

The Palandin "Howard Fleet #4" Salt Water Disposal Well and related tank battery are upgradient in close proximity to the MoCrory ranch stock well, which is located in the SE ¹/₄ of the SE ¹/₄ of Section 35, T13S, R37E (see 3rd photo with tank battery in background). As opposed to the Manzano Rum Point State Well #1, as referenced in your letter of June 26, 2007, which is located downgradient of the McCrory ranch stock well. Therefore, the OCD restates its requirement that a groundwater monitoring well(s) be installed by Palandin Energy Corp. between the plugged disposal well and the contaminated McCrory ranch stock well.

Oil Conservation Division * 1220 South St. Francis Drive * Santa Fe, New Mexico 87505 * Phone: (505) 476-3440 * Fax (505) 476-3462* <u>http://www.emnrd.state.nm.us</u>



Ocean Munds-Dry April 23, 2008 Page 2

The New Mexico Oil Conservation Division (OCD) has received a compliant regarding the water quality of an irrigation well (in UL B, Section 2, T14S, R37E) at Alexander Farms south of the above referenced plugged salt water disposal well. Since the above referenced well is in close proximity to the contaminated irrigation well, the OCD is requiring a groundwater monitoring well(s) be installed by Palandin Energy Corp. between the plugged disposal well and the contaminated irrigation well.

The groundwater monitoring well(s) location and construction must be approved by the OCD prior to installation of the well. The groundwater monitoring well(s) must be sampled and analyzed for TPH, BTEX, TDS and Chlorides. Please submit a proposed location map, construction diagram and sampling and analysis plan for the groundwater monitoring well(s) within 60 days of receipt of this letter. The construction must include the groundwater bearing zones of the contaminated irrigation well (and any other zones that may be hydraulically interconnected) and be capable of obtaining representative samples from across the thickness of each water bearing zone. This may require multiple wells at varying depths.

Once the well(s) is installed and the samples analyzed in accordance with the approved plan, then a report must be submitted to the OCD within a specified time frame. If it is determined that a release to groundwater from the above-referenced well has likely occurred, then further action will be required on the part of Palandin Energy Corporation, including the submittal of a proposed Stage I & II abatement plan in accordance with Rule 19, NMAC.

If you have any questions regarding this matter, please do not hesitate to contact Edward J. Hansen at (505) 476-3489 or <u>edwardj.hansen@state.nm.us</u>.

Sincerely,

Wayne Price Environmental Bureau Chief

LWP:EJH:ejh

attachment

cc: OCD District I Office, Hobbs, NM w/att.
Gail MacQuesten, OCD, Santa Fe, NM
Michael Horn, Palandin Energy Corp., 4006 Dunkirk, Midland, TX 79707 w/att.
Patrick B. McMahon, Heidel, Samberson, Newell, Cox & McMahon, P.O. Drawer 1599, Lovington, NM 88260 April 14, 2008

Wayne, 4-23-08 This is the most recent development with Abercular Serms. Thank you for you ottention fat KMMbh

Heidel, Samberson, Newell, Cox & McMahon ATTN: Patrick McMahon P.O. Drawer 1599 311 North First Lovington, NM 88260

RE: Alexander Farms Groundwater McDonald, NM

Mr. McMahon:

On 4/3/2008, I was asked to sample a water well for the Alexander farms. The water well is located in the SE 1/4 of Section 35, Township 13 S., Range 37 E., Northeast of the original Alexander irrigation well, which was reported to OCD earlier.

The new well belongs to the McCrory ranch. This well was abandoned several years earlier with a cap welded on top. The top was removed, well was cleaned out and a two horse pump installed. The well was pumped off and on the several days before sampling.

The well was sampled 4/3/08, I first pumped the well by extracting approximately 75 gallons of water, three casing volumes should have been approximately 60 gallons. Samples were taken for both TPH (Total Petroleum Hydrocarbon), cations and anions. The results of the water test showed no TPH, but the chlorides and other constituents were greatly elevated.

Find enclosed analytical and maps of location. If you have any questions, please call.

Sincerely,

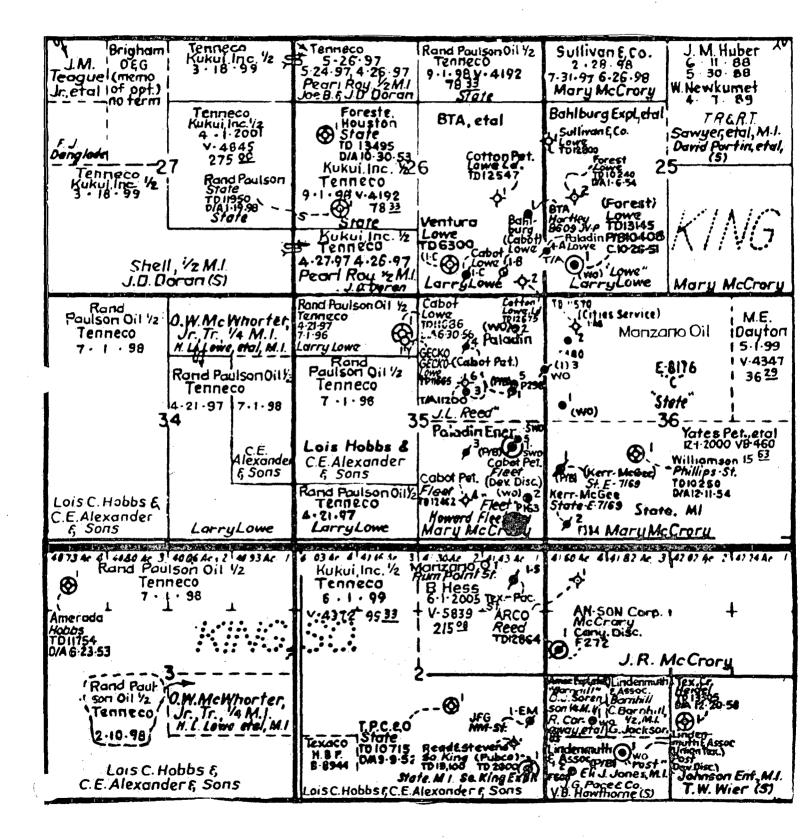
Selin W Sean

Eddie W. Seay Eddie Seay Consulting 601 W. Illinois Hobbs, NM 88242 (575)392-2236 seay04@leaco.net

RECEIVED

APR 2 3 2009

Environmental Bureau Oil Conservation Division





ANALYTICAL RESULTS FOR EDDIE SEAY CONSULTING ATTN: EDDIE SEAY 601 W. ILLINOIS HOBBS, NM 88242 FAX TO: (575) 392-6949

Receiving Date: 04/03/08 Reporting Date: 04/09/08 Project Owner: ALEXANDER Project Name: ALEXANDER - McCORY Project Location: EAST OF McDONALD SECTION 34 Sampling Date: 04/03/08 Sample Type: GROUNDWATER Sample Condition: COOL & INTACT Sample Received By: ML Analyzed By: HM/KS

	Na	Ca	Mg	К	Conductivity	T-Alkalinity
LAB NUMBER SAMPLE ID	(mg/L)	(mg/L)	(mg/L)	(mg/L)	(<i>u</i> S/cm)	(mgCaCO ₃ /L)
ANALYSIS DATE:	04/08/08	04/08/08	04/08/08	04/08/08	04/04/08	04/04/08
H14569-1 AM #1 WW	743	479	48.4	12.4	6,440	208
Quality Control	NR	49.2	50.0	3.07	1,433	NR
True Value QC	NR	50.0	50.0	3.00	1,413	NR
% Recovery	NR	98.5	100	102	101	NR
Relative Percent Difference	NR	2.8	1.6	1.6	0.8	NR

METHODS:	SM3500-Ca-D 3500-Mg E 8049	120.1	310.1
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2		SO4	CO₃	HCO ₃	pН	TDS
	(mg/L)	(mg/L)	(mg/L)	(mg/L)	(s.u.)	(mg/L)
ANALYSIS DATE:	04/04/08	04/07/08	04/04/08	04/04/08	04/04/08	04/07/08
H14569-1 AM #1 WW	1,860	191	0	254	7.08	3,990
	· · · · · · · · · · · · · · · · · · ·					
Quality Control	490	25.6	NR	988	7.05	NR
True Value QC	500	25.0	NR	1000	7.00	NR
% Recovery	98.0	102	NR	98.8	101	NR
Relative Percent Difference	< 0.1	4.7	NR	1.2	0.1	NR
		075 4	040.4		450 4	400.4

METHODS: SM4500-CI-B 375.4 310.1 310.1 150.1 160.1

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ANALYTICAL RESULTS FOR EDDIE SEAY CONSULTING ATTN: EDDIE SEAY 601 W. ILLINOIS HOBBS, NM 88242 FAX TO: (575) 392-6949

Receiving Date: 04/03/08 Reporting Date: 04/09/08 Project Owner: ALEXANDER Project Name: ALEXANDER - McCORY Project Location: EAST OF McDONALD SECTION 34 Sampling Date: 04/03/08 Sample Type: GROUNDWATER Sample Condition: COOL & INTACT Sample Received By: ML Analyzed By: CK

	GRO	DRO
	(C ₆ -C ₁₀)	(>C ₁₀ -C ₂₈)
LAB NUMBER SAMPLE ID	(mg/L)	(mg/L)
ANALYSIS DATE	04/09/08	04/09/08
H14569-1 AM #1 WW	<5.0	<5.0
Quality Control	44.2	54.5
True Value QC	50.0	50.0
% Recovery	88.4	109
Relative Percent Difference	5.0	5.6

METHODS: TPH GRO & DRO: EPA SW-846 8015 M

Chemist

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H14569T SEAY

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(5 Company Name: EL	(505) 393-2326 Fax (505) 393-2476	2476	BILL TO			ANALYSIS R	REQUEST	
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	State: NMA	Log 49 Alaxondra	Attraction of the second secon					
Project Name: 101 Project Location: (Sampler Name: 1	Ell - Smanned	f	State: Zh: Phone #: Fax #:					
		IERS IATER		₩ ₩				
Lab I.D.	Sample I.D.	(G) APOR # CONTAINI GROUNDW WASTEWAT SOIL OIL SLUDGE	OTHER : ACID/BASE: ICE / COOL OTHER : DATE	TIME	Coti Ani			
15109-1	Cur 1 # M1		v 43	2:20 1				
E NOTE: Liability and Da S. All claims including th	LEASE NOTE: Liability and Damages. Cardinal's liability and client's exclusive remedy for any claim ansing whether based in contract or lort, shall be limited to the amount paid by the client for the naives. All claims including those for negligence and any other cause whatsoever shall be deemed waived unless made in witting and received by Cardinal within 30 days after completion of the applicable naives. All claims including those for negligence and any other cause whatsoever shall be deemed waived unless made in witting and received by Cardinal within 30 days after completion of the applicable	r any claim ansing whether based in contract or be deemed waived unless made in writing and re	tort, shall be limited to the emount paid by sceived by Cardinal within 30 days after co.	mpletion of the applic:	able	Terms and Condition 30 days past due at th	s: Interest will be charge rate of 24% per annu	Terms and Conditions: Interest will be charged on all accounts more than 30 days past due at the rate of 24% per annum from the original date of invoice.
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Relinquished By:	Time: Date: Time:	Received By	R	Fax Result: REMARKS:		Add'I Fax #:		
Delivered By: (Circle One) Sampler - UPS - Bus - Other	(Circle One)	Temp. Sample Condition Cool Intact	n CHECKED BY:					

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Groundwater Map

