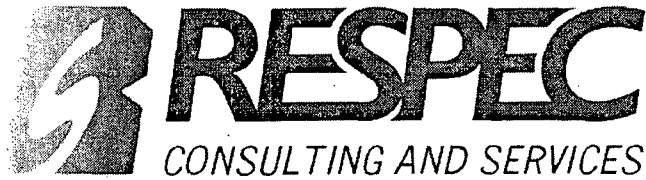


RECR - 6

**GENERAL
CORRESPONDENCE**

**YEAR:
2008**



2009 JAN 21

Invoice

Bill To:

Oil Conservation Division
Attn: Jim Griswold
1220 South St. Francis Drive
Santa Fe, NM 87505

Remit Payment To:

RESPEC
Attn: Accounts Receivable
5971 Jefferson NE, Suite 101
Albuquerque, NM 87109

(505) 268-2661, (505) 243-4677 (FAX)

Contract Number : 618050918553AG
Purchase Order No. 52100-0000014804
RESPEC Project Number : 01834.0010

Invoice Date : 1/20/2009
Payment Terms : NET 30
Invoice No. INV-0109-003

1. Consulting Services

Ruth Property Phase II Remediation
Northwest Corner of Avenue R and 15th Street
Eunice, Lea County, NM
6.76% Tax
Total Costs
Discount

\$401,786.14	401,412 ⁰⁴
\$27,120.57	27,095 ⁷²
\$428,906.71	428,513 ⁷⁶
-\$70,000.00	

Total Due This Invoice

\$358,906.71
358,513⁷⁶

OK to pay
J - [Signature]

[Signature: David E. Withee]

Approved by:
David E. Withee

Invoice
Ruth Property Remediation
Eunice, Lea Co., NM
Our file No: 1834.10

Vendor No: 0000059915
Contract ID: 618050918553AG

RE/SPEC Inc.
Purchase Order # 52100-0000012847

Item	Quantity	Unit	Description	Unit Price	Total Price
0001	253.00	Hour	Principal	\$113.00	\$28,589.00
0003	485.50	Hour	Project Scientist/Engineer	\$80.00	\$38,840.00
0008	91.00	Hour	Administrator	\$40.00	\$3,640.00
0058	41.00	Each	Per Diem / Overnight	\$115.00	\$4,715.00
0059	8.00	Each	Partial Per Diem	\$100.00	\$800.00
0060	9,624.00	Mile	Vehicle Mileage	\$0.585	\$5,630.04
0062	15,260.00	Cu Yd	Backfill crusher rock/red clay (including trucking/compacting)	\$20.63326	\$314,863.50
Other	0.50	Each	Mobe/Demobe:	\$5,000.00	\$2,500.00

Hall Labs - lab analysis
Pettigrew & Associates

705 ⁰⁰⁰ \$846.00 ~~\$846.00~~
1,355 ⁰⁰ \$1,362.60 ~~\$1,362.60~~

Subtotal

401,418.04 ~~\$401,418.04~~

NMGRT

6.7500% 27,095.72 ~~\$27,120.57~~

Total Costs

428,513.76 ~~\$428,906.71~~

Discount

~~\$70,000.00~~

TOTAL DUE

~~\$358,906.71~~

358,513.76

Hall Environmental Analysis Laboratory, Inc.

REMIT TO: Hall Environmental Analysis Lab, Inc.
Accounts Receivable
4901 Hawkins NE, Suite D
Albuquerque, New Mexico 87109-4372
TEL: (505) 345-3975

INVOICE

INV DATE: November 10, 2008
Print DATE: November 10, 2008

Invoice No: 0810462

Invoice TO: Respec
5971 Jefferson NE Suite 101
Albuquerque, NM 87109

Attn: Charles Barber
Phone: (505) 268-2661

Work Order: 0810462

Order Name Ruth Property

PO Number:

Date Received 10/22/2008

Item	Remarks	Matrix	Qty	Unit Price	Mult	Quoted	Test Total
EPA Method 300.0: Anions		Soil	3	\$105.00	1	\$105.00	\$315.00
EPA Method 6010B: Soil Metals		Soil	3	\$60.00	1	\$60.00	\$180.00
EPA Method 8015B: Diesel Range Organics		Soil	3	\$35.00	1	\$35.00	\$105.00
EPA Method 8015B: Gasoline Range		Soil	3	\$35.00	1	\$35.00	\$105.00

Subtotal: \$705.00

Discount: 0.00%

Sales Tax: 0.00%

Misc Charges: \$0.00

Payment Received: \$0.00

INVOICE Total: \$705.00

All invoices are due and payable net 30 days from receipt.

OK
DN
1834.1



PETTIGREW and ASSOCIATES

1110 N. GRIMES
HOBBS, NM 88240
(575) 393-9827



DEBRA P. HICKS, P.E. / L.S.I.
WILLIAM M. HICKS, III, P.E. / P.S.

TO: RESPEC

Attn: Angus Robb
5971 Jefferson Suite NE, Suite 101
Albuquerque, NM 87109-3413

DATE: November 13, 2008

INVOICE #: 08-382

PROJECT: Ruth Property, Eunice, NM
Project No. 2008.1146

Page 1 of 1

DATE	LAB NO.	DESCRIPTION	QTY	UNIT PRICE	TOTAL CHARGE
10/17/08	08 7881-7883	Soil Density SG 1-3	3	\$ 35.00	105.00
10/20/08	08 7884-7888	Soil Density SG 4-8	5	\$ 35.00	175.00

Subtotal \$ 280.00

TOTAL AMOUNT DUE \$ 280.00

THANK YOU!

280.00
280.00
ok
DN
1834.1

All accounts are due in full 10 days from receipt. If not paid within 10 days the account becomes delinquent and a 2% finance charge will be added.

*Corrected Invoice 11/17/08

179612



PETTIGREW and ASSOCIATES

1110 N. GRIMES
HOBBS, NM 88240
(575) 393-9827



DEBRA P. HICKS, P.E. / L.S.I.
WILLIAM M. HICKS, III, P.E. / P.S.

TO: RESPEC

Attn: Angus Robb
5971 Jefferson Suite NE, Suite 101
Albuquerque, NM 87109-3413

DATE: November 13, 2008

INVOICE #: 08-382

PROJECT: Ruth Property, Eunice, NM
Project No. 2008.1146

Page 1 of 1

DATE	LAB NO.	DESCRIPTION	QTY	UNIT PRICE	TOTAL CHARGE
10/17/08	08 7881-7883	Soil Density SG 1-3	3	\$ 35.00	pd 105.00
10/17/08	08 7883a	*Trip Charge SG 1-3	1	\$ 57.90	57.90
10/20/08	08 7884-7888	Soil Density SG 4-8	5	\$ 35.00	pd 175.00
10/20/08	08 7888a	*Trip Charge SG 4-8	1	\$ 57.90	57.90

Subtotal \$ 395.80
TOTAL AMOUNT DUE \$ 395.80

THANK YOU!

OK
DN
1834.1

\$115.80

All accounts are due in full 10 days from receipt. If not paid within 10 days the account becomes delinquent and a 2% finance charge will be added.

**PETTIGREW and ASSOCIATES**

1110 N. GRIMES
HOBBS, NM 88240
(575) 393-9827



DEBRA P. HICKS, P.E. / L.S.I.
WILLIAM M. HICKS, III, P.E. / P.S.

TO: RESPEC

Attn: Angus Robb
5971 Jefferson Suite NE, Suite 101
Albuquerque, NM 87109-3413

DATE: December 5, 2008**INVOICE #:** 08-415

PROJECT: Ruth Property, Eunice, NM
Project No. 2008.1146

Page 1 of 1

DATE	LAB NO.	DESCRIPTION	QTY	UNIT PRICE	TOTAL CHARGE
10/30/08	08 8187-8190	Soil Densities SG 9-12	4	\$ 35.00	140.00
10/30/08	08 8191	Trip Charge <i>travel</i> SG 9-12	1	\$ 57.90	57.90
11/6/08	08 8523-8526	Soil Densities SG 13-16	4	\$ 35.00	140.00
11/6/08	08 8527	Trip Charge SG 13-16	1	\$ -	-
11/6/08	08 8738	Sample & Delivery <i>justified</i> ASTM D 698 Red Blow Sand	0.5	\$ 52.00	26.00
11/6/08	08 8739	Proctor ASTM D 698 Red Blow Sand	1	\$ 120.00	120.00
11/6/08	08 8740	Proctor ASTM D 698 Red Blow Sand	1	\$ 57.90	57.90
11/13/08	08 8725-8728	Soil Densities SG 17-20	4	\$ 35.00	140.00
11/13/08	08 8729	Trip Charge SG 17-20	1	\$ 57.90	57.90

Subtotal
TOTAL AMOUNT DUE
THANK YOU!

\$ 1834.10
739.70
739.70

Eric M. Hart

All accounts are due in full 10 days from receipt. If not paid within 10 days the account becomes delinquent and a 2% finance charge will be added.

RECEIVED

2008 OCT 16 PM 12 29

RESPEC

CONSULTING AND SERVICES

Invoice

Bill To:

Oil Conservation Division
Attn: Jim Griswold
1220 South St. Francis Drive
Santa Fe, NM 87505

Remit Payment To:

RESPEC
Attn: Accounts Receivable
5971 Jefferson NE, Suite 101
Albuquerque, NM 87109

(505) 268-2661, (505) 243-4677 (FAX)

Contract Number : 618050918553AG
Purchase Order No. 52100-0000014804
RESPEC Project Number : 01834.0010

Invoice Date : 9/30/2008
Payment Terms : NET 30
Invoice No. INV-0908-080

1. Consulting Services

Ruth Property Phase II Remediation
Northwest Corner of Avenue R and 15th Street
Eunice, Lea County, NM

\$333,537.98

333,524.75

2. Tax 6.750%

\$22,513.82

22,512.92

3. Total Due This Invoice

\$356,051.80

356,037.67

OK to Pay
J. [Signature]

David E. Withee

Approved by:
David E. Withee

Invoice
Ruth Property Remediation
Eunice, Lea Co., NM
Our file No: 1834

Vendor No: 0000059915
Contract ID: 618050918553AG

RE/SPEC Inc.
Purchase Order # 52100-0000012847

Item	Quantity	Unit	Description	Unit Price	Total Price
0001	328.15	Hour	Principal	\$113.00	\$37,080.95
0003	366.00	Hour	Project Scientist/Engineer	\$80.00	\$29,280.00
0008	24.00	Hour	Administrator	\$40.00	\$960.00
0058	27.00	Each	Per Diem / Overnight	\$115.00	\$3,105.00
0059	9.00	Each	Partial Per Diem	\$100.00	\$900.00
0060	6,310.00	Mile	Vehicle Mileage	\$0.585	\$3,691.35
0062	5,480.00	Cu Yd	Disposal of Contaminated Soil (including trucking)	\$45.19	\$247,654.43
Other	0.50	Each	Mobe/Demobe:	\$5,000.00	\$2,500.00
			Hall Labs - lab analysis +15%	\$8,366.25	\$8,366.25
			Subtotal		\$333,537.98
			NMGRT	6.7500%	\$22,513.82
			Total		\$356,051.80

247,641.20
333,524.75
22,512.92
356,037.67



State of New Mexico Purchase Order

PO Number to be on all Invoices and Correspondence

Dispatch via Print

Energy, Minerals & Resources

1220 South St. Francis Drive
Santa Fe NM 87505
United States

Vendor: 0000059915
RESPEC, INC.
5971 JEFFERSON NE STE 101
ALBUQUERQUE NM 87109

Purchase Order 52100-0000014804	Date 08/06/2008	Revision	Page 1
Payment Terms Pay Now	Freight Terms FOB Destination	Ship Via Best Way	
Buyer FRAN A. CHAVEZ	Phone 505/476-3477		

Ship To: 1220 South St. Francis Drive
Room 346
Santa Fe NM 87501
United States

Bill To: 1220 South St. Francis Drive
Room 346
Santa Fe NM 87501
United States

Origin: CON **ExclExcl #:**

Line-Sch	Item/Description	Mfg ID	Quantity	UOM	PO Price	Extended Amt	Due Date
1- 1	Continued remediation on the Ruth Property at the Northwest Corner of Avenue R and 15th Street in Eunice, Lea County, New Mexico Exp. 7/16/09		1.00	EA	856,939.90	856,939.90	08/06/2008

52100-31100-0710000000-535300- -0750- - -109-80000

Schedule Total 856,939.90

Contract ID: 80-805-00-03377AF

Contract Line: 0 Release: 1

Item Total 856,939.90**Total PO Amount** 856,939.90

Agency Approval - I certify that the proposed purchase represented by this document is authorized by and is made in accordance with all State (and if applicable Federal) legislation rules and regulation. I further certify that adequate unencumbered cash and budget expenditure authority exists for this proposed purchase and all other outstanding purchase commitments and accounts payable.

Authorized Signature

STATE OF NEW MEXICO
GENERAL SERVICES DEPARTMENT- PURCHASING DIVISION
TERMS AND CONDITIONS UNLESS OTHERWISE SPECIFIED

SPD-101A (07/92)

1. GENERAL: When the State Purchasing Agent issues a purchase document in response to the Vendors bid, a binding contract is created.
2. VARIATION IN QUANTITY: No variation in the quantity of any item called for by this order will be accepted unless such variation has been caused by conditions of loading, shipping, packing or allowances in manufacturing process, and then only to the extent, if any, specified elsewhere in this order.
3. ASSIGNMENT:
 - A: Neither the order, nor any interest therein, nor claim thereunder, shall be assigned or transferred by the Vendor, except as set forth in subparagraph 3B below or as expressly authorized in writing by the STATE PURCHASING AGENTS OFFICE. No such assignment or transfer shall relieve the Vendor from the obligations and liabilities under this order.
 - B: Vendor agrees that any and all claims for overcharge resulting from antitrust violations which are borne by the State as to goods, services, and materials purchased in connection with this bid are hereby assigned to the State.
4. STATE FURNISHED PROPERTY: State furnished property shall be returned to the state upon request in the same condition as received except for ordinary wear, tear, and modifications ordered hereunder.
5. DISCOUNTS: Prompt payment discounts will not be considered in computing the low bid. Discounts for payment within 20 days will be considered after the award of the contract. Discounted time will be computed from the date of receipt of the merchandise or invoice, whichever is later.
6. INSPECTION: Final inspection and acceptance will be made at the destination. Supplies rejected at the destination for non-conformance with specifications shall be removed, at the Vendors risk and expense, promptly after notice of rejection.
7. INSPECTION OF PLANT: The State Purchasing Agent may inspect, at any reasonable time, the part of the contractors, or any subcontractors plant or place of business, which is related to the performance of this contract.
8. COMMERCIAL WARRANTY: The Vendor agrees that the supplies or services furnished under this order shall be covered by the most favorable commercial warranties the Vendor gives to any customer for such supplies or services, and that the rights and remedies provided herein shall extend to the State and are in addition to and do not limit any rights afforded to the State by any other cause of this order. Vendor agrees not to disclaim warranties of fitness for a particular purpose or merchantability.
9. TAXES: The unit price shall exclude all State taxes.
10. PACKING, SHIPPING AND INVOICING:
 - A: The States purchase document number and the Vendors name, users name and location shall be shown on each packing and delivery ticket, package, bill of lading and other correspondence in connection with the shipment. The users count will be accepted by the Vendor as final and conclusive on all shipments not accompanied by a packing ticket.
 - B: The Vendors invoice shall be submitted in triplicate, duly certified and shall contain the following information: order number, description of supplies or services, quantities, unit prices and extended totals. Separate invoices shall be rendered for each and every complete shipment.
 - C: Invoices must be submitted to the using agency and NOT THE STATE PURCHASING AGENT.
11. DEFAULT: The State reserves the right to cancel all or any part of this order without cost to the State, if the Vendor fails to meet the provisions of this order and, except as otherwise provided herein, to hold the Vendor liable for any excess cost occasioned by the State due to the Vendors default. The Vendor shall not be liable for any excess costs if failure to perform the order arises out of causes beyond the control and without the fault or negligence of the Vendor, such causes include, but are not restricted to, acts of God or of the public enemy, acts of the State or of the Federal Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargos, unusually severe weather and defaults of subcontractors due to any of the above, unless the State shall determine that the supplies or services to be furnished by the subcontractor where obtainable from other sources in sufficient time to permit the Vendor to meet the required delivery scheduled. The rights and remedies of the State provided in this paragraph shall not be exclusive and are in addition to any other rights now being provided by law or under this order.
12. NON-COLLUSION: In signing this bid, the Vendor certifies he/she has not, either directly or indirectly, entered into action in restraint of free competitive bidding in connection with this proposal submitted to the State Purchasing Agent.
13. NON-DISCRIMINATION: Vendors doing business with the State of New Mexico must be in compliance with the Federal Civil Rights Act of 1964 and Title VII of that Act, Rev., 1979.
14. THE PROCUREMENT CODE: Sections 13-1-28 through 13-1-199 NMSA 1978 imposes civil and criminal penalties for its violation.
In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.
15. All bid items are to be NEW and most current production, unless otherwise specified.

Griswold, Jim, EMNRD

From: Griswold, Jim, EMNRD
Sent: Friday, November 21, 2008 2:17 PM
To: Matt White (eunicemayor@yahoo.com)
Subject: Ruth Property

Mayor White,

Today I received a copy of the 11/19/08 letter from Angus Robb of RESPEC to you providing his thanks for the City's cooperation during the restoration project at the former Ruth property on Ave. R and 15th St.

In the letter he states "*...the cleanup of the site is now complete and the property ready for housing construction.*" He may be correct in this assessment, however, a final determination as to the completeness of the project and the future suitability of the property is the responsibility of the OCD. I will be making a closure visit to the property in the very near future, and RESPEC is in the process of preparing a report regarding all their efforts. Once the inspection has been made and the report adequately reviewed, the OCD will make a determination which will be immediately shared with you.

Thank you yet again for your continued assistance and patience.

Jim Griswold
Hydrologist
Environmental Bureau
ENMRD/Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
direct: 505.476.3465
email: jim.griswold@state.nm.us



RECEIVED

2008 NOV 21 PM 1 31

November 19, 2008

The Honorable Matt White
Mayor of Eunice, New Mexico
P.O. Box 147
1106 Avenue J
Eunice, NM 88231

Dear Mayor White:

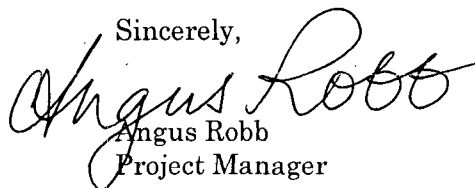
Re: Ruth Property Cleanup, Northwest Corner of Avenue R and 15th Street

Thank you for meeting with me on Monday, November 18, 2008, at your office and also at the Ruth Property. As we discussed at those meetings and as you could see, the cleanup of the site is now complete and the property is ready for housing construction.

RESPEC would like to thank you and City Manager Curtis Schrader for your cooperation during the execution of this project. You were most helpful in negotiating a reasonable price for the backfill material and providing us with water at no cost. These items helped lower the construction price considerably.

In particular, I would like to thank Water and Wastewater Superintendent Willie Luster for his cooperation and help with the organization of our water supply. He did a fine job, with enthusiasm and good humor.

Sincerely,



Angus Robb
Project Manager

AR:pas

cc: Mr. Jim Griswold, New Mexico Oil Conservation Division
Mr. Dave Henard, RESPEC
Mr. Charles Barber, RESPEC
Project Central File 1834 — Category A

Purchase Order Request

This form must be completed to request supplies, to make a purchase, to place an advertisement, or to request in-state travel. A purchase document must be in place prior to an order or advertisement being placed or leaving on travel. Allow sufficient time to process the purchase order. If a purchase was made without prior approval, this form must be filled out with an explanation in the comments field. IT supplies must still be requested on the short/long form, and Out of State travel must still be requested on the Out-of-State Travel Request form, both these forms may be found on the intranet. Please submit all completed forms to Fran Chavez and feel free to call her @ 6-3477 with any questions.

Date: 8/6/08

Requested by: JIM GRISWOLD

Cost Center: _____ Dollar Amount: \$ 856,939 90

Vendor (if known): RESPEC

Description: Excavation of contaminated soils and compacted
backfilling associated with Ruth Property in Eunice, NM.

For In-State Travel:

Destination: _____
(Leaving from Santa Fe unless otherwise noted)

Departure: Date and Time _____
(show AM or PM)

Return: Date and Time _____
(show AM or PM)

_____ Per Diem _____ Actuals (estimated amt.)

Comments/Reason for travel: _____

J. Griswold
Signature of Requestor

David R. Brooks
Signature of Supervisor



August 1, 2008

Mr. Jim Griswold
New Mexico Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, NM 87505

Dear Mr. Griswold:

Re: DRAFT Work Plan for Phase II Remediation on the Ruth Property at the Northwest Corner of Avenue R and 15th Street in Eunice, Lea County, NM

RESPEC is pleased to submit the following work plan and cost estimate for the above-referenced site. Work will be conducted in accordance with all pertinent state and federal regulations and under GSD Price Agreement 80-805-00-03377. A minimum of 96 hours' advance notice will be given to the Oil Conservation Division (OCD) Project Manager before work starts.

If construction work can begin on August 11, 2008, the project should take approximately 6 weeks to complete. See Billing Attachment for estimated cost. (We will provide a more comprehensive cost estimate after meetings with contractors next week.) The scope of work is organized into the tasks that follow.

TASK 1 – PREPARE THE WORK PLAN

This task involves the preparation of the work plan, the timeline for remedial action and construction, and cost estimates; site reconnaissance; and interaction with all subcontractors and the OCD Project Manager.

TASK 2 – CONTACT NEW MEXICO ONE CALL AND MAP ALL BURIED UTILITIES

RESPEC will contact the New Mexico One Call system in order to locate, mark, and map all buried pipelines and utilities at the site. A One Call log will be maintained and updated as required during the project.

TASK 3 – HOLD A PREJOB CONFERENCE

RESPEC, the subcontractors, and the OCD Project Manager will hold a conference to detail remedial action procedures and construction activities; project budgeting and cost control; and requirements for safety procedures, local and county notification, and signage for public information and traffic control.

TASK 4 – PREPARE A HEALTH AND SAFETY PLAN

A site-specific health and safety plan (HASP) will be completed before fieldwork commences. The HASP will include, but not be limited to, the following: a site information summary; a list of key personnel on-site and their responsibilities; a signature/acknowledgement sheet for all on-site personnel; tailgate meeting schedules and mandatory attendance logs; a list of site hazards; emergency information; an assessment of job hazards; requirements for personal protective equipment, air quality monitoring, decontamination, disposal, and employee training; and emergency procedures.

TASK 5 – PERFORM SAMPLING ANALYSIS AND A NORM SURVEY

RESPEC will perform a naturally occurring radioactive materials (NORM) survey of buried pipes before disposal or recycling. This task will continue for the duration of the excavation and remediation activities at the site. A registered NORM surveyor will perform the survey in accordance with 19.15.9.714 NMAC and 20.3.14 NMAC.

TASK 6 – PREPARE THE SITE FOR CONSTRUCTION ACTIVITIES

The site, known as the Ruth property, is located on the northwest corner of the intersection of 15th Street and Avenue R in Eunice, New Mexico. There is evidence of exempt oil field waste in and around the existing pit, which was created by the removal of approximately 13,000 cubic yards (cu yds) of material.

The site will be prepared for necessary remediation activities. An ingress and egress road will be constructed to handle heavy truck traffic into and out of the work zone for the duration of the project. Excavation zones will be defined and access preparation will be completed. A sturdy fence and lockable gate will be installed around the entire Ruth property and gates will be added/moved for routing heavy truck traffic around the adjacent residential construction to the north.

TASK 7 – EXCAVATE, TRANSPORT, AND DISPOSE OF CONTAMINATED SOILS IN AND SURROUNDING THE EXISTING PIT

This task includes removal of all known contaminated soils in and around the existing pit. RESPEC estimates that approximately 5,000 cu yds (loose) of contaminated soil will be excavated and transported to an OCD-permitted facility for proper disposal. The vertical and horizontal extent of the contamination will be defined by laboratory analysis of material samples—by EPA Method 8015 (MRO, DRO, GRO) and EPA Method 418.1 for total petroleum hydrocarbons. Samples will be field-screened with a portable PID/FID unit by headspace field analysis. The RESPEC Project Manager will oversee testing and evaluation of removed soils and their proper disposal, providing manifests and certifications.

TASK 8 – BACKFILL THE PIT WITH UNCONTAMINATED MATERIALS

The pit will be backfilled with engineered fill with laboratory recommended moisture content and approximately 85% compaction per proctor test.

The quantity of backfill required is estimated as follows: cu yds (loose)

Original Pit	3,000
Amount removed in Phase I	10,000
Amount to be removed in Phase II	5,000
Total	18,000

Three types of backfill material are envisaged. Types and estimated quantities are as follows: cu yds (loose)

Red Bed Clay (bottom layer)	2,000
Crusher Fines (middle layer)	12,000
Top Soil (top layer)	4,000
Total	18,000

All backfill materials will be tested by laboratory analysis for cleanliness and suitability for compaction and percolation. City owned loose material to the south of Avenue R may be used if suitable.

TASK 9 – PREPARE AND SUBMIT THE FINAL REMEDIAL ACTION REPORT

Following completion of fieldwork, RESPEC will prepare the final Remedial Action Report and submit it to the OCD Project Manager. The report will include, but not be limited to, the following:

- A site map showing all buried pipelines, utilities, and monitoring well locations.
- The NORM survey results.
- Manifests documenting the volume of contaminated soil excavated from the existing pit and the surrounding area, removed from the site, and transported to an OCD-permitted facility for proper disposal.
- The name of the company used for soil disposal and reclamation.
- A tabulation of all analytical data gathered during the investigation.
- The laboratory results with chain-of-custody forms.
- One or more maps, with cross sections showing the location, depth, and concentrations of all removed waste material and sampling points.
- Conclusions and recommendations.

ASSUMPTIONS

- Excavation areas will be free of underground utilities and buried pipelines.
- Excavated areas will be finished with backfill.
- Access to the site will be during normal working hours.
- All waste at the site is considered exempt oil field waste. If, during the course of the investigation, the waste becomes classified as nonexempt, Hall Environmental Analysis Laboratory will perform additional testing by toxic characteristics leaching procedure (TCLP) and testing for reactivity, corrosivity, and ignitability (RCI) to acquire a C-138 Oil Commission Permit. Additional disposal fees will be required if the waste is classified as nonexempt.
- On-site analysis will be performed during the excavation phase of the project. Soil removed from the site for disposal will have a TPH concentration of greater than 100 parts per million. A maximum of 5,000 cubic yards of contaminated soil will be removed. Because the vertical extent of oilfield waste below the pit remains undefined, RESPEC implies no warranty or guarantee that regulatory

requirements for Site Closure or No Further Action status will be met after the excavation phase has been completed.

- For the duration of the project, any delay or failure of the OCD, RESPEC or its subcontractors in their obligations as defined in this work plan shall be excused if and to the extent caused by *force majeure*.

INSURANCE

RESPEC maintains at its own expense the following insurance plans in amounts equal to or greater than the value of services to be performed under the terms of this work plan:

- Workers' compensation insurance: statutory.
- Employer's liability insurance of \$500,000 per occurrence, \$2,000,000 aggregate.
- Comprehensive general liability insurance of \$1,000,000 per occurrence, \$2,000,000 aggregate.
- Vehicle liability insurance of \$500,000 per occurrence (property damage and bodily injury combined).

Within 20 working days of the contract signing, RESPEC will provide the owner/operator (O/O) a certificate of insurance naming the O/O as the certificate holder.

Respectfully submitted by:

Angus Robb
Project Engineer

AR:pas

cc: Project Central File 996 — Category A

Cost Estimate

OCD Project

Ruth Property, Phase II, Eunice, New Mexico

Vendor No. 5187719

PA Number: 80-805-00-03377

RESPEC Inc.

Commodity Code: 72002

LN	QTY	RATE	UNIT	COST	DESCRIPTION
*0001	400	\$113.00	Hour	\$45,200.00	Principal
*0003	480	\$80.00	Hour	\$38,400.00	Project Scientist
*0005	50	\$55.00	Hour	\$2,750.00	Field Tech II
*0007	40	\$45.00	Hour	\$1,800.00	Draftsperson
*0008	40	\$40.00	Hour	\$1,600.00	Administrator
*0012	10	\$25.00	Day	\$250.00	PID/FID
*0031	5	\$1,150.00	Day	\$5,750.00	Trackhoe - Light Duty
*0042	30	\$110.00	Day	\$3,300.00	Pickup Truck, Medium Duty
*0058	72	\$115.00	Day	\$8,280.00	Per Diem Per Person (Lodging & Meals)
*0060	14,400	0.585	Mile	\$8,424.00	Passenger Vehicle and Light Truck Mileage
*0062	5,000	\$50.00	Cu. Yard	\$250,000.00	Disposal of Hydrocarbon Contaminated Soil (includes Trucking)
Other	1	\$5,000.00	Each	\$5,000.00	Mobe-Demobe
Backfill	18,000	\$23.00	Cu. Yard	\$414,000.00	Backfill
Laboratory	200	\$90.00	Each	\$18,000.00	Laboratory analysis of samples

NOTE: A 10 percent fuel surcharge may apply on Line Items 0031, 0042, and 0062, as well as Mobe-Demobe and Backfill.

TOTAL \$802,754.00 + 0.0675 (NMGR) = **\$856,939.90**



RECEIVED

2008 JUL 25 PM 2 06

July 21, 2008

Oil Conservation Division
Attn: Accounts Payable
1220 South St. Francis Drive
Room 346
Santa Fe, NM 87501

Dear Accounts Payable:

Our auditors, Ketel Thorstenson, LLP, are conducting an audit of our financial statements. Please confirm the following information regarding our contract with you as of June 30, 2008.

RESPEC Project No. 1834

OCD Purchase Order: 52100-0000012847

Contract Description: Ruth Property Remediation Contract # 618050918553AG

Original Contract Price (US Dollars)	\$596,422.35
Total Approved Amendments	\$50,000.00
Total Contract Price Including Amendments	\$646,422.35

Total Amount of Progress Billings as of June 30, 2008	\$527,129.57
Less Total Amount of Remittances as of June 30, 2008	(\$0.00)
Less Total Amount of Retainage as of June 30, 2008	(0.00)
Total Unpaid Progress Billings as of June 30, 2008	\$527,129.57

Please indicate on the next page whether this is in agreement with your records. If there are differences, please provide any information that will assist our auditors in reconciling the differences. In addition, please provide details of any claims, back charges, or disputes that you are aware of concerning this contract. A business reply envelope has been enclosed for your convenience in replying directly to Ketel Thorstenson, LLP, Certified Public Accountants, P.O. Box 3140, Rapid City, SD 57709.

Sincerely,

David E. Withee
Treasurer

DEW

Enclosure

Oil Conservation Division
Attn: Accounts Payable
1220 South St. Francis Drive
Room 346
Santa Fe, NM 87501

RESPEC Project No. 1834

OCD Purchase Order: 52100-0000012847

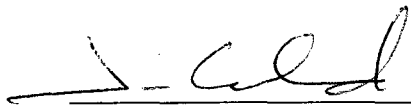
Contract Description: Ruth Property Remediation Contract # 618050918553AG

To: Ketel Thorstenson, LLP

Contract terms allow for billings as work progresses. To my knowledge, there are no disagreements surrounding amounts billed, contract terms, work performed or additional side agreements related to this contract.

The above information is in agreement with our records with the following exceptions:

No exceptions.



Signature

Hydrologist

Title

8/4/08

Date



Invoice

Bill To:

Oil Conservation Division
Attn: Accounts Payable
1220 South St. Francis Drive
Room 346
Santa Fe, NM 87501

Remit Payment To:

RESPEC
Attn: Accounts Receivable
5971 Jefferson NE, Suite 101
Albuquerque, NM 87109

(505) 268-2661, (505) 243-4677 (FAX)

Contract Number : 618050918553AG
Purchase Order No. 52100-0000012847
RESPEC Project Number : 01834

Invoice Date : 6/30/2008
Payment Terms : NET 30
Invoice No. INV-0608-136

- | | | |
|----|---|--------------|
| 1. | <u>Consulting Services</u> | \$493,220.65 |
| | Ruth Property Remediation
Northwest Corner of Avenue R and 15th Street
Eunice, Lea County, New Mexico | |
| 2. | <u>Tax</u> 6.875% | \$33,908.92 |
| 3. | <u>Total Due This Invoice</u> | \$527,129.57 |

A handwritten signature in black ink that reads "David E. Withee".

Approved by:
David E. Withee



Invoice

2008 JUL 8 PM 1 36

Bill To:

Oil Conservation Division
Attn: Accounts Payable
1220 South St. Francis Drive
Room 346
Santa Fe, NM 87501

Remit Payment To:

RESPEC
Attn: Accounts Receivable
5971 Jefferson NE, Suite 101
Albuquerque, NM 87109

(505) 268-2661, (505) 243-4677 (FAX)

Contract Number : 618050918553AG
Purchase Order No. 52100-0000012847
RESPEC Project Number : 01834

Invoice Date : 6/30/2008
Payment Terms : NET 30
Invoice No. INV-0608-136

1. **Consulting Services**

\$493,220.65

Ruth Property Remediation
Northwest Corner of Avenue R and 15th Street
Eunice, Lea County, New Mexico

2. **Tax** 6.875%

\$33,908.92

3. **Total Due This Invoice**

~~\$527,129.57~~

Waples 7/14/08

\$526,244.32

OK to Pay

OK
DE
7/14/08

David E. Withee

Approved by:
David E. Withee

Invoice
Ruth Property Remediation
Eunice, Lea Co., NM
Our file No: 1834

Vendor No: 0000059915
Contract ID: 618050918553AG

RE/SPEC Inc.
Purchase Order # 52100-0000012847

Item	Quantity	Unit	Description	Unit Price	Total Price
0001	295.50	Hour	Principal	\$105.00	\$31,027.50
0003	249.00	Hour	Project Scientist/Engineer	\$75.00	\$18,675.00
0008	12.00	Hour	Administrator	\$35.00	\$420.00
0012	19.00	Day	PID	\$25.00	\$475.00
0032	2.00	Day	Trackhoe - Medium Duty	\$1,370.00	\$2,740.00
0058	38.00	Each	Per Diem / Overnight	\$90.00	\$3,420.00
0060	8,109.00	Mile	Vehicle Mileage	\$0.445	\$3,608.51
0062	10,124.00	Cu Yd	Disposal of Contaminated Soil (including trucking)	\$41.01	\$415,147.14
Other	1.00	Each	Mobe/Demobe:	\$5,000.00	\$5,000.00

Hall Labs - lab analysis +15%

~~\$10,330.00~~ + 1,549.50

~~\$12,707.50~~

11,879.50

Subtotal

~~\$493,220.65~~

492,392.35

NMGRT

6.8750%

~~\$33,908.92~~

33,851.97

Total

~~\$527,129.57~~

#526,244.32

✓ 76960

Hall Environmental Analysis Laboratory, Inc.

REMIT TO: **Hall Environmental Analysis Lab, Inc.**
Accounts Receivable
4901 Hawkins NE, Suite D
Albuquerque, New Mexico 87109-4372
TEL: (505) 345-3975

INVOICE

INV DATE: *June 17, 2008*
Print DATE: *June 17, 2008*

Invoice No: **0806104**

Invoice TO: **Respec**
5971 Jefferson NE Suite 101
Albuquerque, NM 87109

Attn: **Charles Barber**
Phone: **(505) 268-2661**

Work Order: **0806104**
PO Number:

Order Name **Ruth Property**
Date Received **6/9/2008**

Item	Remarks	Matrix	Qty	Unit Price	Mult	Quoted	Test Total
EPA Method 8015B: Diesel Range		Aqueous	2	\$35.00	1	\$35.00	\$70.00
EPA Method 8015B: Gasoline Range		Aqueous	2	\$35.00	1	\$35.00	\$70.00

Subtotal: \$140.00

Discount: 0.00%

Sales Tax: 0.00%

Misc Charges: \$0.00

Payment Received: \$0.00

INVOICE Total: \$140.00

All invoices are due and payable net 30 days from receipt.

OK *AL Robb* 6/23/08

1834/5 176959

Hall Environmental Analysis Laboratory, Inc.

REMIT TO: Hall Environmental Analysis Lab, Inc.
Accounts Receivable
4901 Hawkins NE, Suite D
Albuquerque, New Mexico 87109-4372
TEL: (505) 345-3975

INVOICE

INV DATE: June 17, 2008
Print DATE: June 17, 2008

Invoice No: 0806217

Invoice TO: Respec
5971 Jefferson NE Suite 101
Albuquerque, NM 87109

Attn: Charles Barber
Phone: (505) 268-2661

Work Order: 0806217
PO Number:

Order Name Ruth Property
Date Received 6/16/2008

Item	Remarks	Matrix	Qty	Unit Price	Mult	Quoted	Test Total
EPA Method 418.1: TPH		Soil	9	\$60.00	1.5	\$90.00	\$810.00

Subtotal: \$810.00

Discount: 0.00%

Sales Tax: 0.00%

Misc Charges: \$0.00

Payment Received: \$0.00

INVOICE Total: \$810.00

All invoices are due and payable net 30 days from receipt.

OK C. Robb 6/23/08

V76835

Hall Environmental Analysis Laboratory, Inc.

REMIT TO: **Hall Environmental Analysis Lab, Inc.**
Accounts Receivable
4901 Hawkins NE, Suite D
Albuquerque, New Mexico 87109-4372
TEL: (505) 345-3975

INVOICE

INV DATE: *June 12, 2008*
 Print DATE: *June 12, 2008*

Invoice No: 0806161

Invoice TO: **Respec**
5971 Jefferson NE Suite 101
Albuquerque, NM 87109

Attn: **Charles Barber**
 Phone: **(505) 268-2661**

Work Order: **0806161**
 PO Number:

Order Name **Ruth Property**
 Date Received **6/11/2008**

Item	Remarks	Matrix	Qty	Unit Price	Mult	Quoted	Test Total
EPA Method 418.1: TPH		Soil	12	\$60.00	1.5	\$90.00	\$1,080.00

Subtotal: \$1,080.00

Discount: 0.00%

Sales Tax: 0.00%

Misc Charges: \$0.00

Payment Received: \$0.00

INVOICE Total: \$1,080.00

All invoices are due and payable net 30 days from receipt.

Correct *OK* *06/16/08*
Job 1834/05

Hall Environmental Analysis Laboratory, Inc.

REMIT TO: Hall Environmental Analysis Lab, Inc.
Accounts Receivable
4901 Hawkins NE, Suite D
Albuquerque, New Mexico 87109-4372
TEL: (505) 345-3975

INVOICE

INV DATE: June 23, 2008
Print DATE: June 23, 2008

Invoice No: 0806323

Invoice TO: Respec
5971 Jefferson NE Suite 101
Albuquerque, NM 87109

1834/5

Attn: Charles Barber
Phone: (505) 268-2661

Work Order: 0806323

Order Name Ruth Property

PO Number:

Date Received 6/20/2008

Item	Remarks	Matrix	Qty	Unit Price	Mult	Quoted	Test Total
EPA Method 418.1: TPH		Soil	4	\$60.00	1.5	\$90.00	\$360.00

Subtotal: \$360.00

Discount: 0.00%

Sales Tax: 0.00%

Misc Charges: \$0.00

Payment Received: \$0.00

INVOICE Total: \$360.00

All invoices are due and payable net 30 days from receipt.

OK
Ch Barber
6-25-08

Hall Environmental Analysis Laboratory, Inc.

✓ 77003

REMIT TO: Hall Environmental Analysis Lab, Inc.
Accounts Receivable
4901 Hawkins NE, Suite D
Albuquerque, New Mexico 87109-4372
TEL: (505) 345-3975

INVOICE

INV DATE: June 23, 2008
Print DATE: June 23, 2008

Invoice No: 0806285

Invoice TO: Respec
5971 Jefferson NE Suite 101
Albuquerque, NM 87109

Attn: Charles Barber
Phone: (505) 268-2661

Work Order: 0806285

Order Name Ruth Property

PO Number:

Date Received 6/19/2008

Item	Remarks	Matrix	Qty	Unit Price	Mult	Quoted	Test Total
EPA Method 418.1: TPH		Soil	7	\$60.00	1.5	\$90.00	\$630.00

Subtotal: \$630.00

Discount: 0.00%

Sales Tax: 0.00%

Misc Charges: \$0.00

Payment Received: \$0.00

INVOICE Total: \$630.00

All invoices are due and payable net 30 days from receipt.

OK
[Signature]
6-25-08

V77005

Hall Environmental Analysis Laboratory, Inc.

REMIT TO: Hall Environmental Analysis Lab, Inc.
Accounts Receivable
4901 Hawkins NE, Suite D
Albuquerque, New Mexico 87109-4372
TEL: (505) 345-3975

INVOICE

INV DATE: June 11, 2008
Print DATE: June 11, 2008

Invoice No: 0806105

Invoice TO: Respec
5971 Jefferson NE Suite 101
Albuquerque, NM 87109

Attn: Dave Henard
Phone: (505) 268-2661

Work Order: 0806105

Order Name Ruth Property

PO Number:

Date Received 6/9/2008

1834/5

Item	Remarks	Matrix	Qty	Unit Price	Mult	Quoted	Test Total
EPA Method 418.1: TPH		Soil	17	\$60.00	1.5	\$90.00	\$1,530.00
EPA Method 9056A: Anions		Soil	13	\$20.00	1.5	\$30.00	\$390.00

Subtotal: \$1,920.00

Discount: 0.00%

Sales Tax: 0.00%

Misc Charges: \$0.00

Payment Received: \$0.00

INVOICE Total: \$1,920.00

All invoices are due and payable net 30 days from receipt.

OK
Ch BL
6-25-08

2 of 3

V-77063

Hall Environmental Analysis Laboratory, Inc.

REMIT TO: Hall Environmental Analysis Lab, Inc.
Accounts Receivable
4901 Hawkins NE, Suite D
Albuquerque, New Mexico 87109-4372
TEL: (505) 345-3975

INVOICE

INV DATE:

Print DATE: June 26, 2008

Invoice No: 0806342

Invoice TO: Respec
5971 Jefferson NE Suite 101
Albuquerque, NM 87109

Attn: Dave Henard
Phone: (505) 268-2661

Work Order: 0806342

Order Name Ruth Property

PO Number:

Date Received 6/23/2008

Item	Remarks	Matrix	Qty	Unit Price	Mult	Quoted	Test Total
EPA Method 418.1: TPH		Soil	2	\$60.00	1	\$60.00	\$120.00
EPA Method 8015B: Diesel Range		Aqueous	1	\$35.00	1	\$35.00	\$35.00
EPA Method 8015B: Gasoline Range		Aqueous	1	\$35.00	1	\$35.00	\$35.00

Subtotal: \$190.00

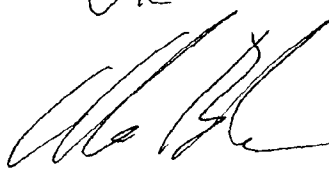
Discount: 0.00%

Sales Tax: 0.00%

Misc Charges: \$0.00

Payment Received: \$0.00**INVOICE Total: \$190.00**

All invoices are due and payable net 30 days from receipt.

OK

6-26-08

3013

V 77664

Hall Environmental Analysis Laboratory, Inc.

REMIT TO: Hall Environmental Analysis Lab, Inc.
 Accounts Receivable
 4901 Hawkins NE, Suite D
 Albuquerque, New Mexico 87109-4372
 TEL: (505) 345-3975

INVOICE

INV DATE:
 Print DATE: June 26, 2008

Invoice No: 0806374

Invoice TO: Respec
 5971 Jefferson NE Suite 101
 Albuquerque, NM 87109

Attn: Dave Henard
 Phone: (505) 268-2661

Work Order: 0806374

Order Name Ruth Property

PO Number:

Date Received 6/25/2008

Item	Remarks	Matrix	Qty	Unit Price	Mult	Quoted	Test Total
EPA Method 418.1: TPH		Soil	9	\$60.00	1	\$60.00	\$540.00
EPA Method 6010B: Soil Metals		Soil	5	\$160.00	1	\$160.00	\$800.00
EPA Method 7471: Mercury		Soil	5	\$30.00	1	\$30.00	\$150.00
EPA Method 8015B: Diesel Range Organics		Soil	5	\$35.00	1	\$35.00	\$175.00
EPA Method 8015B: Gasoline Range		Soil	5	\$35.00	1	\$35.00	\$175.00
EPA Method 8021B: Volatiles		Soil	3	\$50.00	1	\$50.00	\$150.00
EPA Method 8260B: VOLATILES		Soil	5	\$115.00	1	\$115.00	\$575.00
EPA Method 8270C: Semivolatiles		Soil	5	\$280.00	1	\$280.00	\$1,400.00
EPA Method 8310: PAHs		Soil	5	\$130.00	1	\$130.00	\$650.00
EPA Method 9056A: Anions		Soil	5	\$105.00	1	\$105.00	\$525.00
EPA Method 9056A: Anions		Soil	3	\$20.00	1	\$20.00	\$60.00

Subtotal: \$5,200.00

Discount: 0.00%

Sales Tax: 0.00%

Misc Charges: \$0.00

Payment Received: \$0.00

INVOICE Total: \$5,200.00

All invoices are due and payable net 30 days from receipt.

OK
 Chh BL
 6-26-08

176836

Hall Environmental Analysis Laboratory, Inc.

REMIT TO: Hall Environmental Analysis Lab, Inc.
Accounts Receivable
4901 Hawkins NE, Suite D
Albuquerque, New Mexico 87109-4372
TEL: (505) 345-3975

INVOICE

INV DATE: June 13, 2008
Print DATE: June 13, 2008

Invoice No: 0806077

Invoice TO: Respec
5971 Jefferson NE Suite 101
Albuquerque, NM 87109

Attn: Charles Barber
Phone: (505) 268-2661

Work Order: 0806077

PO Number: 1220.010

Order Name: Kmart Exxon

Date Received: 6/5/2008

*Not Ruth Property
Deducted From Invoice
by J. Griswold.*

Item	Remarks	Matrix	Qty	Unit Price	Mult	Quoted	Test Total
EPA Method 8260B: VOLATILES		Aqueous	6	\$120.00	1	\$120.00	\$720.00

Subtotal: \$720.00

Discount: 0.00%

Sales Tax: 0.00%

Misc Charges: \$0.00

Payment Received: \$0.00

INVOICE Total: \$720.00

All invoices are due and payable net 30 days from receipt.

*PAS
Job 1834/05*