

Remed# 3543



May 29, 2006

Mr. Randall Ferguson
Colorado Oil and Gas Conservation Commission
1120 Lincoln Street, suite 801
Denver, Co. 80203

RE: Followup Response to Activity at Weideman #2 Temporary Landfarm on Frank Property,

Mr. Ferguson

Per our phone conversation last week regarding the handling of the excavated soils on the mixing pad from the Weideman #2 on or about May 6th 2006, I visited the site the day following our conversation and reviewed the activity with Mr. Sam Frank, the site manager. We reviewed the recent activity for the soils on the mixing pad.

Mr. Frank indicated that he had followed the verbal instructions from me on handling the soils. Mr. Frank was instructed not to use that section of the original center of the initial mixing stockpile and the southwest portion of the stockpile. These instructions for the handling of these soils were also included in the April 17, 2006 memo, addressed to Mr. Holubec, Merit Energy. This memo was also provided to the COGCC. The memo summarizes the sampling of the original excavated soil stockpiles from the Weideman #2 and the subsequent proposed segregation, mixing, and the proposed beneficial reuse of the materials.

To date, the only soils that have been moved to the mixing pad were soils that were initially identified as considered clean or significantly below the COGCC allowable TPH concentrations of 1000 mg/Kg from the initial stockpile from the Weideman #2 excavation. These soils were subsequently mixed with clean road base materials for preparation as beneficial reuse.

As stated in the April 17, 2006 memo, prior to final reuse the mixed soils would be screened and re-sampled to verify that these soils were below the 1000 mg/Kg TPH concentration and therefore satisfactory for reuse. As indicated in that memo, the verification sampling process worked and a portion of the mixed stockpile was determined to have an elevated concentration above the 1000 mg/Kg guideline. Specifically, the sample collected from the SW section of the original mixed stockpile, identified as lab sample CP1 had residual TPH reading of 2770 PPM. These soils were subsequently moved to the south end of the stockpile. In MEC Inc opinion, the identification of this elevated TPH concentration indicates that the review process worked as the beneficial reuse process is designed.

Based on my site meeting with Mr. Frank following our phone conversation, it appears that he has been following the protocols for handling the excavated soils from the Weideman #2.

In addition, I had visited the site to screen and collect samples of the mixing pile on May 5 and 9th, 2006. At that time, I had observed the outside portions of the original stockpile had been removed

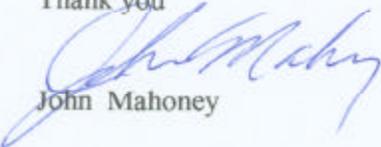
except for the north portion and the southwest portion of the stockpile. The southwest portion of the initial stockpile had been moved/ segregated from the initial pile. These soils were moved immediately south of the initial stockpile. In doing so, the soils were flipped and aerated to promote additional remediation. Also, the center of the stockpile was left in-place for subsequent aeration flipping, screening and sampling prior to reuse. The attached two figures illustrate the status of the soils on the mixing pad as of May 5, 2006.

The May 5, 2006, field screening and the laboratory sampling results will be provided under a separate memo.

Subsequently, the portions of the stockpile indicated as clean/satisfactory for reuse were removed and used at offsite oil field locations for beneficial reuse. The impacted soils from the SW section were moved to the south end of the remaining pile..

If you have any questions, please contact me at 970-381-5951.

Thank you



John Mahoney

Cc: Mr. Randall Ferguson, Colorado Oil and Gas Conservation Commission
Mr. Chris Gathman, Weld County Planning Department
Mr. Troy E. Swain, Weld County Department of Public Health and Environment
Mr. Keith Crouch, Legal Counsel
Ms. Melissa Armer, JBR Environmental Consultants
Mr. Sam Frank, Manager of Temporary Landfarm Location

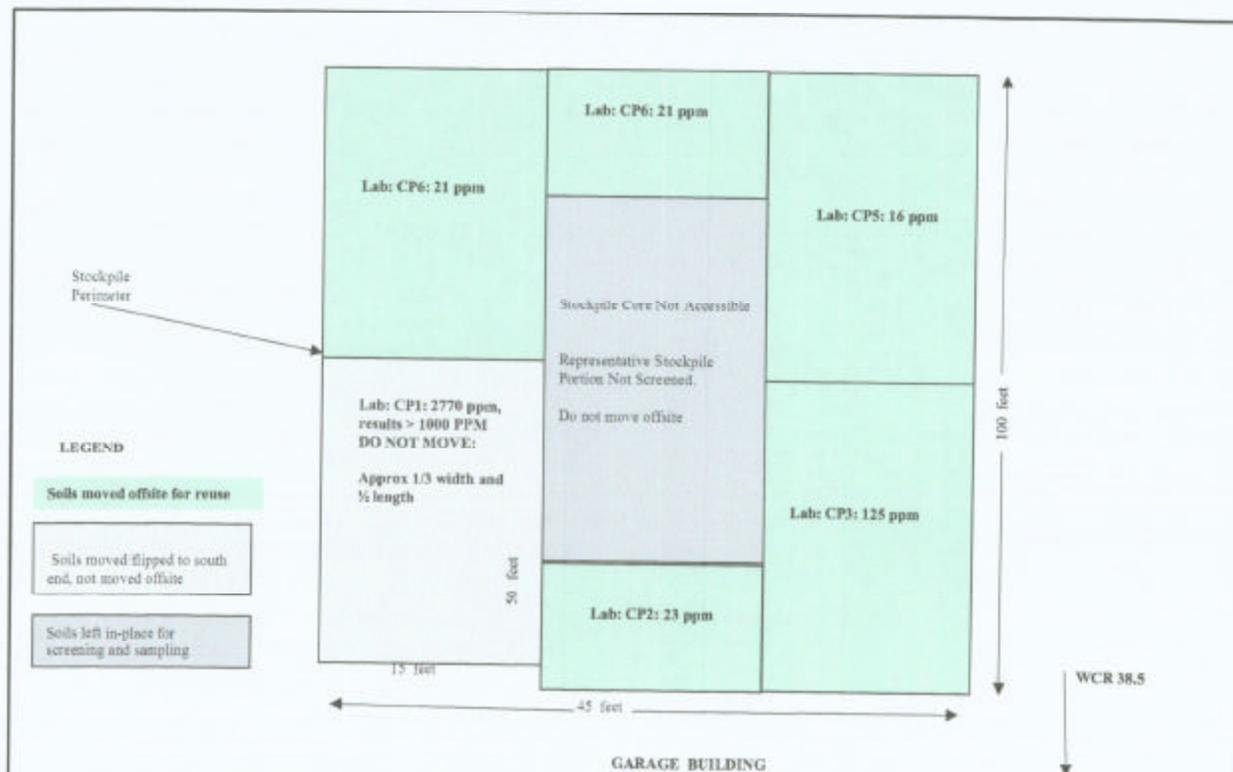


FIGURE 1: Modified Mixing Stockpile Use Summary Illustration, from April 14, 2006

Weidman #2 Excavation Remediation Soil Stockpile County Road 40, Gilcrest, Weld County, Co.	MAHONEY ENVIRONMENTAL CONSULTING INC 1601 10th Avenue GREELEY, CO 80631 (970) 352-2644 (TEL)	May 5, 2006
Project No: 2006.013	Not to scale, All illustrated locations are approximate	

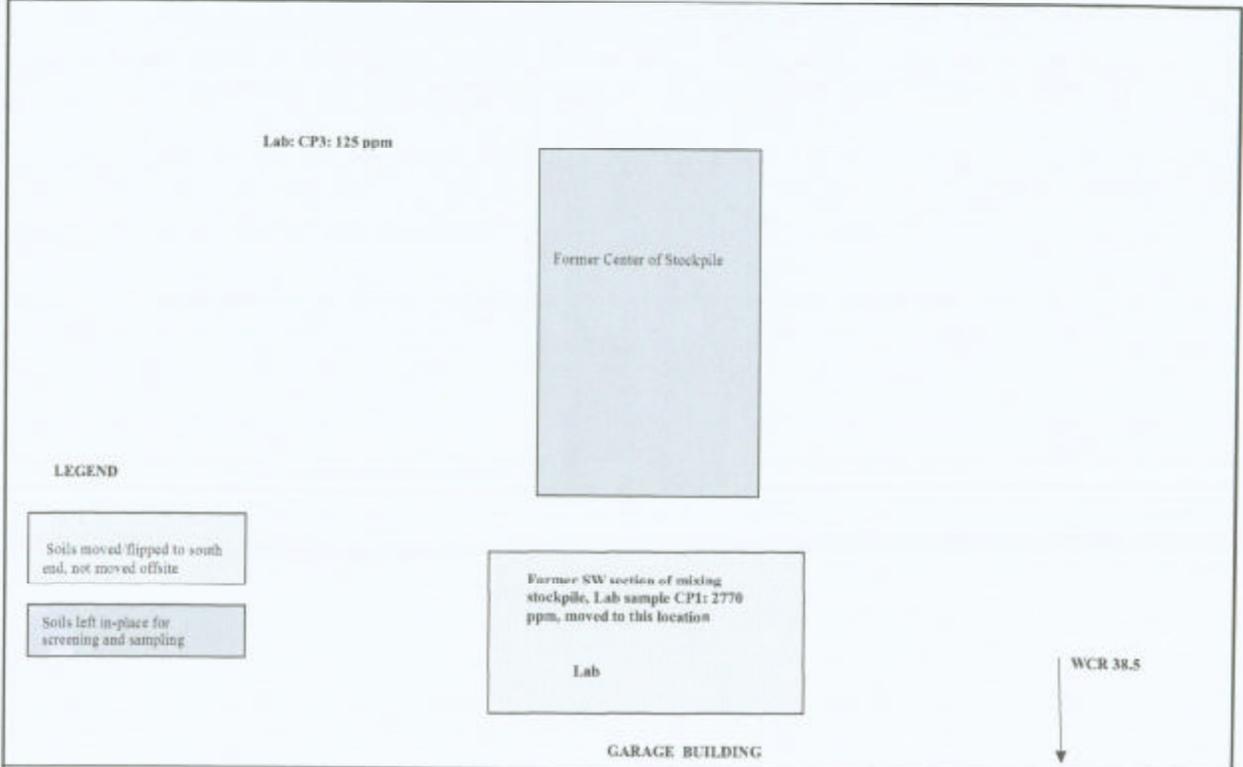


FIGURE 2: Modified Mixing Stockpile Use Summary Illustration, from April 14, 2006

Weideman #2 Excavation Remediation Soil Stockpile County Road 40, Gilcrest, Weld County, Co.	MAHONEY ENVIRONMENTAL CONSULTING INC 1601 10 th Avenue GREELEY, CO 80631 (970) 352-2644 (TEL)	May 5 and 9, 2006
Project No: 2006.013	Not to scale, All illustrated locations are approximate	