



November 16, 2005

State of Colorado
Oil and Gas Conservation Commission
Randall H. Ferguson
Environmental Protection Specialist
1120 Lincoln Street, Suite 801
Denver, CO 80203



Re: NOAV – Produced Water Spill
Form 27 – Site Remediation Work Plan
Dubois Tank Battery
NENW Sec 7 T-9N R-52W

Randall,

This letter is in reference to the NOAV issued to Meritage Energy Partners, LLC concerning a spill of produced oil and water on 8/21/05. Meritage Energy Partners, LLC submitted a Form 27 – Site Remediation Work Plan on 9/27/05.

The work plan called for Meritage Energy Partners, LLC to excavate the soil inside the battery to a depth of 6” to recover all recent oil and water spilled or 18” to clean soil. The soil was excavated from the battery in depths ranging from 6” to 14”, wherever the recent spill was detected and “hard pan” soil or old spill material was detected. This soil amounted to a total of 219 cubic yards.

The excavated soil was placed in a triangular shaped area to the south west of the treater and free water knock out. This material was tilled and treated with Super-Ail 38 and water. The work was done by Pardee’s Environmental Service.

Samples of the soil beneath the excavation were taken on 10/27/05 and delivered to Evergreen Analytical, Inc. on 11/1/05. A drawing of sample points is attached. The chart below shows the results of the tests. The actual test results are also attached.

Sample ID	TRPH	SAR	Specific Conductance
1 and 1A	870 mg/kg	26	2500 µmhos/cm
2 and 2A	3900 mg/kg	74	8250 µmhos/cm
3 and 3A	380	19	4680 µmhos/cm

All of the samples showed the TRPH levels to be substantially below threshold of 10,000 mg/kg. Samples 1, 1A, 3, and 3A show acceptable levels of the Sodium Absorption Level and Specific Conductance. Only samples 2 and 2A have levels of concern. The SAR and Specific Conductance levels show the presence of produced water.

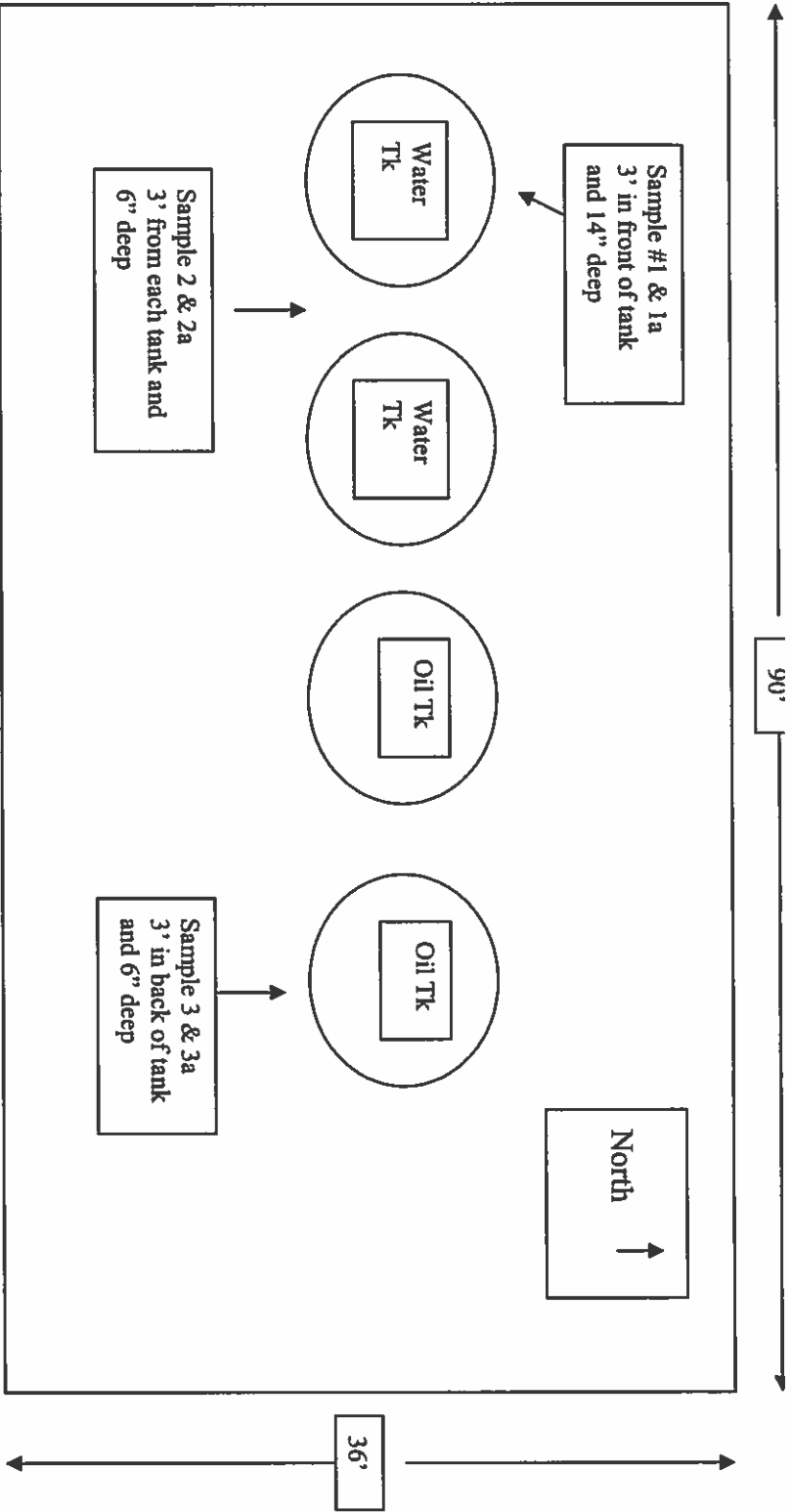
Meritage Energy Partners, LLC takes the position that the remnants of the spill of August 21, 2005 have been removed from the battery are presently being land farmed in an area southwest of the treater on the battery site. The soil beneath the excavation shows signs of natural bio-remediation and the TRPH levels are below COGCC standards. The levels of SAR and Specific Conductance in 2 of the 3 sample points are below or within close proximity of state standards. For these reasons, Meritage Energy Partners, LLC requests that the excavation inside the battery be considered complete. Further excavation or attempted remediation of the site for what is essentially a salt block would best be accomplished at the time of final remediation when all tanks and piping in the affected area would be out of the way. Meritage Energy Partners, LLC would like to fill in the excavated area with clean soil and gravel.

If you have any questions, please contact me at 720-932-0220 ext 23.

Sincerely,



Gerald Lucero
Production Manager



Dubois Tank Battery
NENW Section 7 T-9N R-52 W
Logan County, CO

Sample ID	TRPH	SAR	Specific Conductance	
1 and 1A	870 mg/kg	26	2500 µmhos/cm	
2 and 2A	3900 mg/kg	74	8250 µmhos/cm	
3 and 3A	380	19	4680 µmhos/cm	



NOV 09 2005

Report page total including this page:

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November 08, 2005

Gerold Lucero
Meritage Energy
1600 Broadway Ste #1360
Denver, CO 80202

Lab Work Order: 05-8174
Client Project ID: Dubois Battery

Dear Gerold Lucero:

Enclosed are the analytical results and invoice for the samples shown in the Laboratory Work Order Summary.

The enclosed data for testing performed at Evergreen Analytical Laboratory (EAL) have been reviewed for quality assurance. A case narrative is included to describe any anomalies associated with the samples or data.

EAL will dispose of all samples one month from the date of this letter. If you want samples returned, please advise us by mail or fax as soon as possible.

A copy of this project report and supporting data will be retained for a period of five years unless we are otherwise advised by you. A document retrieval charge will apply.

Thank you for using the services of Evergreen Analytical. If you have any questions concerning the analytical data, please contact me. Please direct other questions to Client Services.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Smits", is written over a horizontal line.

Carl Smits
Technical Director of Chemical Analysis

WORK ORDER Summary

Evergreen Analytical, Inc.

05-8174

Rpt To: Gerold Lucero
 Meritage Energy
 1600 Broadway Ste #1360
 Denver, CO 80202
 (720) 932-0220

Fax To: Gerold Lucero

FX: (720) 932-0224

11/2/05 8:24:42 AM

Client Project ID: Dubois Battery
 QC Level: Level I

Comments:

Sample ID	Client Sample ID	Matrix	Collection Date	Date Received	Test Code	Test Name	Hold	MS	Date Due	Hold Time
05-8174-01A	1 & 1A	Soil	10/27/05 1305	11/01/05	418_1_S	Total Recoverable Petroleum Hydrocarbons (TRPH)	<input type="checkbox"/>	<input type="checkbox"/>	11/04/05	11/24/05
05-8174-01A	1 & 1A	Soil	10/27/05 1305	11/01/05	6010_D *	6010 Dissolved Metals	<input type="checkbox"/>	<input type="checkbox"/>	11/04/05	4/25/06
05-8174-01A	1 & 1A	Soil	10/27/05 1305	11/01/05	COND_S	Specific Conductance @ 25°C	<input type="checkbox"/>	<input type="checkbox"/>	11/04/05	11/24/05
05-8174-01A	1 & 1A	Soil	10/27/05 1305	11/01/05	SAR_S	Sodium Adsorption Ratio, Soil Leachate	<input type="checkbox"/>	<input type="checkbox"/>	11/04/05	4/25/06
05-8174-02A	2 & 2A	Soil	10/27/05 1310	11/01/05	418_1_S	Total Recoverable Petroleum Hydrocarbons (TRPH)	<input type="checkbox"/>	<input type="checkbox"/>	11/04/05	11/24/05
05-8174-02A	2 & 2A	Soil	10/27/05 1310	11/01/05	6010_D *	6010 Dissolved Metals	<input type="checkbox"/>	<input type="checkbox"/>	11/04/05	4/25/06
05-8174-02A	2 & 2A	Soil	10/27/05 1310	11/01/05	COND_S	Specific Conductance @ 25°C	<input type="checkbox"/>	<input type="checkbox"/>	11/04/05	11/24/05
05-8174-02A	2 & 2A	Soil	10/27/05 1310	11/01/05	SAR_S	Sodium Adsorption Ratio, Soil Leachate	<input type="checkbox"/>	<input type="checkbox"/>	11/04/05	4/25/06
05-8174-03A	3 & 3A	Soil	10/27/05 1315	11/01/05	418_1_S	Total Recoverable Petroleum Hydrocarbons (TRPH)	<input type="checkbox"/>	<input type="checkbox"/>	11/04/05	11/24/05
05-8174-03A	3 & 3A	Soil	10/27/05 1315	11/01/05	6010_D *	6010 Dissolved Metals	<input type="checkbox"/>	<input type="checkbox"/>	11/04/05	4/25/06
05-8174-03A	3 & 3A	Soil	10/27/05 1315	11/01/05	COND_S	Specific Conductance @ 25°C	<input type="checkbox"/>	<input type="checkbox"/>	11/04/05	11/24/05
05-8174-03A	3 & 3A	Soil	10/27/05 1315	11/01/05	SAR_S	Sodium Adsorption Ratio, Soil Leachate	<input type="checkbox"/>	<input type="checkbox"/>	11/04/05	4/25/06

Definitions: * - Test Code has a Select List

Page ___ of ___

Evergreen Analytical Laboratory Inc.

4036 Youngfield St.

(303) 425-6021

1-800-455-4222
(877) 737-4521

e-mail info@evergreenanalytical.com

-Subject to surcharges & exceptions noted in the schedule.

ANALYSES (check analysis)

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7. 10. 1941

Retinquished by: (Signature) _____ Date/Tm _____

place 15. 1777

Lab Order: 05-8174

Client Project ID Dubois Battery

CASE NARRATIVE

SAMPLE RECEIVING

Sample(s) were hand delivered to the laboratory by the client.

Custody seals were not present.

The temperature of the sample(s) upon arrival was 6 °C.

Sample(s) were received in good condition, in the proper container, and within holding times. JD

QUALITY ASSURANCE

Analyses performed on samples in this work order meet the requirements of the EAL Quality Assurance Program unless otherwise explained. Analyses of RCRA samples meet the requirements of NELAC and Utah Rule R444-14 unless otherwise explained.

CLIENT SERVICES

Client was notified of the rush, that a 3 day was the best that we could do due to prep methods for the tests requested. AMU

GENERAL CHEMISTRY

There are no anomalies to report. MM

OIL AND GREASE/TRPH ANALYSIS

Method 418.1_S: There are no anomalies to report. JJ

METALS ANALYSIS

There are no anomalies to report. WKH

Evergreen Analytical, Inc.

4036 Youngfield Street, Wheat Ridge, Colorado 80033-3862
(303) 425-6021

Client Project ID Dubois Battery
Collection Date: 10/27/05

Lab Order: 05-8174
Date Received: 11/1/05
Units: mg/Kg

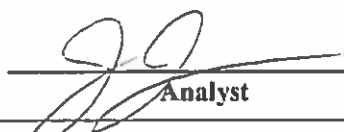
Total Recoverable Petroleum Hydrocarbons
TRPH

Method: E418.1

Prep Method:

Lab ID	Client ID	Matrix	Date Prepared	Date Analyzed	Results	LQL	DF
05-8174-01A	1 & 1A	Soil	11/2/05	11/2/05	870	17	5
05-8174-02A	2 & 2A	Soil	11/2/05	11/2/05	3900	83	25
05-8174-03A	3 & 3A	Soil	11/2/05	11/2/05	380	8.3	2.5

Comments Blank value subtracted


Analyst


Approved

Qualifiers: J - Indicates an estimated value when the compound is detected, but is below the LQL
H - Sample exceeded analytical holding time
U - Compound analyzed for but not detected
X - See case narrative

Definitions: DF - Dilution Factor
LQL - Lower Quantitation Limit

Print Date: 11/2/2005

Evergreen Analytical, Inc.
4036 Youngfield Street, Wheat Ridge, Colorado 80033-3862
(303) 425-6021

Client Sample ID: 1 & 1A
Client Project ID: Dubois Battery
Date Collected: 10/27/05
Date Received: 11/1/05

Lab Work Order: 05-8174
Lab Sample ID: 05-8174-01
Sample Matrix: Soil

DISSOLVED METALS

Method: SW6010

Prep Method: E200.7/SW3010

Date Prepared: 11/2/05
Date Analyzed: 11/5/05

Lab File ID: 110405PM
Method Blank: MB-8554

Dilution Factor: 1
Lab Fraction ID: 05-8174-01A

Analytes	CAS Number	Result	LQL	Units
Calcium	7440-70-2	19	1.5	mg/L
Magnesium	7439-95-4	2.6	0.60	mg/L
Sodium	7440-23-5	460	1.6	mg/L

SODIUM ADSORPTION RATIO, SOIL

Method: USDA

Prep Method:

Date Prepared: 11/2/05
Date Analyzed: 11/5/05

Dilution Factor: 1
Lab Fraction ID: 05-8174-01A

Analytes	CAS Number	Result	LQL	Units
Sodium-Adsorption-Ratio		26	0.10	ratio



Analyst



Approved

Qualifiers: B - Analyte detected in the associated Method Blank, value not subtracted from result
E - Extrapolated value Value exceeds calibration range
H - Sample exceeded analytical holding time
J - Indicates an estimated value when the compound is detected, but is below the LQL
S - Spike Recovery outside accepted limits
U - Compound analyzed for but not detected
X - See case narrative
* - Value exceeded the Maximum Contamination Level (MCL)

Definitions: NA - Not Applicable
LQL - Lower Quantitation Limit
Surr - Surrogate

Print Date: 11/7/05

Evergreen Analytical, Inc.

4036 Youngfield Street, Wheat Ridge, Colorado 80033-3862
(303) 425-6021

Client Sample ID: 2 & 2A
Client Project ID: Dubois Battery
Date Collected: 10/27/05
Date Received: 11/1/05

Lab Work Order: 05-8174
Lab Sample ID: 05-8174-02
Sample Matrix: Soil

DISSOLVED METALS**Method: SW6010****Prep Method: E200.7/SW3010**

Date Prepared: 11/2/05
Date Analyzed: 11/5/05

Lab File ID: 110405PM
Method Blank: MB-8554

Dilution Factor: 1
Lab Fraction ID: 05-8174-02A

Analytes	CAS Number	Result	LQL	Units
Calcium	7440-70-2	26	1.5	mg/L
Magnesium	7439-95-4	8.3	0.60	mg/L
Sodium	7440-23-5	1700	1.6	mg/L

SODIUM ADSORPTION RATIO, SOIL**Method: USDA****Prep Method:**

Date Prepared: 11/2/05
Date Analyzed: 11/5/05

Dilution Factor: 1
Lab Fraction ID: 05-8174-02A

Analytes	CAS Number	Result	LQL	Units
Sodium-Adsorption-Ratio		74	0.10	ratio



Analyst



Approved

Qualifiers: B - Analyte detected in the associated Method Blank, value not subtracted from result
E - Extrapolated value. Value exceeds calibration range
H - Sample exceeded analytical holding time
J - Indicates an estimated value when the compound is detected, but is below the LQL
S - Spike Recovery outside accepted limits
U - Compound analyzed for but not detected
X - See case narrative
* - Value exceeded the Maximum Contamination Level (MCL)

Definitions: NA - Not Applicable
LQL - Lower Quantitation Limit
Surr - Surrogate

Print Date: 11/7/05

Evergreen Analytical, Inc.
4036 Youngfield Street, Wheat Ridge, Colorado 80033-3862
(303) 425-6021

Client Sample ID: 3 & 3A
Client Project ID: Dubois Battery
Date Collected: 10/27/05
Date Received: 11/1/05

Lab Work Order: 05-8174
Lab Sample ID: 05-8174-03
Sample Matrix: Soil

DISSOLVED METALS

Method: SW6010

Prep Method: E200.7/SW3010

Date Prepared: 11/2/05	Lab File ID: 110405PM	Dilution Factor: 1		
Date Analyzed: 11/5/05	Method Blank: MB-8554	Lab Fraction ID: 05-8174-03A		
Analytes	CAS Number	Result	LQL	Units
Calcium	7440-70-2	120	1.5	mg/L
Magnesium	7439-95-4	20	0.60	mg/L
Sodium	7440-23-5	850	1.6	mg/L

SODIUM ADSORPTION RATIO, SOIL


Method: USDA

Prep Method:

Date Prepared: 11/2/05	Dilution Factor: 1			
Date Analyzed: 11/5/05	Lab Fraction ID: 05-8174-03A			
Analytes	CAS Number	Result	LQL	Units
Sodium-Adsorption-Ratio		19	0.10	ratio



Analyst



Approved

Qualifiers: B - Analyte detected in the associated Method Blank, value not subtracted from result
E - Extrapolated value, Value exceeds calibration range
H - Sample exceeded analytical holding time
J - Indicates an estimated value when the compound is detected, but is below the LQL
S - Spike Recovery outside accepted limits
U - Compound analyzed for but not detected
X - See case narrative
* - Value exceeded the Maximum Contamination Level (MCL)

Definitions: NA - Not Applicable
LQL - Lower Quantitation Limit
Surr - Surrogate

Print Date: 11/7/05

Work Order: 05-8174
Client Project ID: Dubois Battery

ANALYTICAL QC SUMMARY REPORT

BatchID: 8554

Sample ID: MB-8554	SampleType: MBLK	TestCode: 200.7_T	Run ID: ICP_051104B	Prep Date: 11/2/05	Units: mg/L
Batch ID: 8554	TestNo: E200.7	FileID: 110405PM	Analysis Date: 11/5/05	SeqNo: 378397	
Analyte	Result	LQL	SPK value	SPK Ref Val	%REC Lowlimit Highlimit RPD Ref Val %RPD RPDLimit Qual
Calcium	U	0.39			
Magnesium	U	0.15			
Sodium	U	0.40			
Sample ID: LCS-8554	SampleType: LCS	TestCode: 200.7_T	Run ID: ICP_051104B	Prep Date: 11/2/05	Units: mg/L
Batch ID: 8554	TestNo: E200.7	FileID: 110405PM	Analysis Date: 11/5/05	SeqNo: 378398	
Analyte	Result	LQL	SPK value	SPK Ref Val	%REC Lowlimit Highlimit RPD Ref Val %RPD RPDLimit Qual
Calcium	4.617	0.39	5	0.1219	92.3 74 113 0 0
Magnesium	4.672	0.15	5	0.0488	93.4 76.7 114 0 0
Sodium	4.663	0.40	5	0.147	93.3 73.6 112 0 0

Qualifiers:

ND - Not Detected at the Reporting Limit
J - Analyte detected below quantitation limits
S - Spike Recovery outside accepted recovery limits

R - RPD outside accepted recovery limits
B - Analyte detected in the associated Method Blank
H - Sample exceeded analytical holding time

Print Date: 11/7/05

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Evergreen Analytical, Inc.
4036 Youngfield Street, Wheat Ridge, Colorado 80033-3862
(303) 425-6021

Client Project ID Dubois Battery
Collection Date: 10/27/05

Lab Order: 05-8174
Date Received: 11/1/05
Units: $\mu\text{mhos/cm}$

Specific Conductance @ 25°C
Specific Conductance

Method: Dept of Ag.

Prep Method:

Lab ID	Client ID	Matrix	Date Prepared	Date Analyzed	Results	LQL	DF
05-8174-01A	1 & 1A	Soil	11/1/05	11/3/05	2500	1.00	1
05-8174-02A	2 & 2A	Soil	11/1/05	11/3/05	8250	1.00	1
05-8174-03A	3 & 3A	Soil	11/1/05	11/3/05	4680	1.00	1

Comments Method :US Dept. of Ag, Handbook #60, p89



Analyst



Approved

Qualifiers: J - Indicates an estimated value when the compound is detected, but is below the LQL
H - Sample exceeded analytical holding time
U - Compound analyzed for but not detected
X - See case narrative

Definitions: DF - Dilution Factor
LQL - Lower Quantitation Limit

Print Date: 11/4/05

Work Order: 05-8174
Client Project ID: Dubois Battery

ANALYTICAL QC SUMMARY REPORT
TestCode: COND_S

Sample ID: LCS	Sample Type: LCS	TestCode: COND_S	Run ID: COND_051103A	Prep Date: 11/3/05	Units: µmhos/cm
	Batch ID: R20414	TestNo: Dept of Ag.	FileID: 1	Analysis Date: 11/3/05	SeqNo: 377564
Analyte	Result	LCL	SPK value	SPK Ref Val	%REC LowLimit HighLimit RPD Ref Val %RPD RPDLimit Qual
Specific Conductance	1006	1.00	999	0	101 90 110 0 0

Qualifiers: ND - Not Detected at the Reporting Limit
J - Analyte detected below quantitation limits
S - Spike Recovery outside accepted recovery limits
R - RPD outside accepted recovery limits
B - Analyte detected in the associated Method Blank
H - Sample exceeded analytical holding time