

## **Bratcher, Mike, EMNRD**

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**From:** Gregston, Terry G <tgregsto@blm.gov>  
**Sent:** Monday, November 19, 2012 3:57 PM  
**To:** dfrick@linenergy.com; rragland@linenergy.com; jhernandez@linenergy.com; gawink@linenergy.com; Bratcher, Mike, EMNRD  
**Cc:** steve@etechenv.com; kit@etechenv.com; fred@etechenv.com  
**Subject:** Undesirable Event: NU12055TG and 11NU005TG: J L Keel B 22: cleanup plan approval stipulations

Gentlemen,

This notification is in regard to the following location and undesirable event:

Event Number: NU12055TG  
Event Date: 1/6/2012  
Event Name: J L Keel B 22  
Legals: T17S/R31E, sec. 5, NWSW

Event Number: 11NU005TG  
Event Date: 11/07/10  
Event Name: J L Keel B 22  
Legals: T17S/R31E, sec. 5, NWSW

The submitted cleanup plan for the above location is approved with the following conditions of approval:

### **Special Stipulations:**

These two spill events are attached to a well, the J L Keel B 22, that has been plugged and abandoned. The abandonment reclamation of this well is currently past due and the operator is in violation. As has been discussed in several onsites with the operator, the stabilization of the old reserve pit and the final abandonment reclamation of the well pad needs to be achieved in tandem with the spill mitigation on this location. Due to the extensive spill mitigation on the same location, the pad reclamation, the pit stabilization, and the spill mitigation should all be achieved at the same time because the final pad reclamation will have a great deal to do with the final recontouring of the spill excavations.

It should also be noted that the operator has been granted permission to leave the excavated "pooling area" on the edge of an active playa feature open and without need to backfill the excavated area if the area is turned into a wildlife habitat and watering area. The following condition of approval (see "Habitat Establishment in Lieu of Backfilling" below) for leaving the "pooling area" open, must be complied with. Otherwise, the operator will need to backfill the excavated area to native grade, with 2 feet of topsoil, etc..

### **Notification Stipulations:**

- 1. A copy of the cleanup plan and conditions of approval must be given to the contractor or site work personnel and be present on the location during all cleanup operations.**
- 2. The authorized officer must be notified at the following phases of cleanup or conditions:**
  - a. Prior to moving equipment on location for cleanup
  - b. When the excavation is nearing completion and a BLM inspection of the excavation or witnessing of sampling is required by the cleanup plan COA's.
  - c. When the cleanup work is nearing completion and to schedule a final onsite prior to removal of equipment.
  - d. Three days before the site is seeded.
  - e. Any time that a variance of the approved plan or conditions of approval is required.

f. In the event that you encounter excavation difficulties, unexpected void areas, or archeological artifacts the Authorized Officer must be contacted immediately. An onsite may be required to assess the situation.

3. The authorized officer on this undesirable event case is:

**Terry Gregston**  
**(575) 361-2635**  
**tgregsto@blm.gov**

### **Plan Implementation:**

1. Cleanup actions must be initiated within **30** days of plan approval.

### **Archeology Stipulations:**

1. **An archeological survey or MOA participation is required prior to work startup.**

In the event that archeological artifacts are discovered during cleanup operations, contact the authorized officer on this case immediately. An onsite will be required to assess the situation.

### **Well Pad Abandonment Stipulations:**

1. The BLM requires horizontal cleanup of the spill impacted areas in addition to vertical cleanup/mitigation measures.
2. The BLM may wish to inspect the excavation once it reaches cleanup depth/width. Confirmation samples of excavation bottom, sidewalls and any visibly affected areas outside of the excavation trench will be required; the BLM may witness the sampling. Contact the authorized officer to schedule.
3. Lab analysis of the confirmation sampling must be forwarded to the authorized officer for final approval before backfilling. Based on the sampling results, additional cleanup may be required or the site may be approved for closure.
4. Once final approval of cleanup is given, the excavation can be backfilled with clean soil to the level of the original native contour plus enough loft to accommodate the settling and compaction of unconsolidated fill soils.
5. The clean portions of the well pad and road shall be recontoured to the native terrain and 2 feet of clean topsoil established on the location.
6. The well pad and road should be deep ripped, erosion control installed, and seeded. Seed mix will depend on the topsoil re-established on the location.

### **Pasture Impacted Areas:**

1. The BLM requires horizontal cleanup of the spill impacted areas in addition to vertical cleanup/mitigation measures.
2. The BLM may wish to inspect the excavation once it reaches cleanup depth/width. Confirmation samples of excavation bottoms, sidewalls and any visibly affected areas outside of the excavation trench will be required; the BLM may witness the sampling. Contact the authorized officer to schedule.
3. Lab analysis of the confirmation sampling must be forwarded to the authorized officer for final approval before backfilling. Based on the sampling results, additional cleanup may be required or the site may be approved for closure.
4. Once final approval of cleanup is given, the excavation can be backfilled with clean soil to the level of the original native contour plus enough loft to accommodate the settling and compaction of unconsolidated fill soils.
5. The top **2** feet of the backfill material must be topsoil similar to that in the surrounding native terrain.
6. **If pastures are not contaminated but are impacted by cleanup operations, the impacts to the pasture areas will mitigated by recontouring the impacted areas and restoring the surface as listed in items 7 through 9 of this section.**
7. Install erosion control measures in the pasture-affected areas to prevent the unconsolidated reclamation materials from washing or blowing away until reclaimed areas settle and begin to revegetate.
8. Rip and seed reclaimed and equipment-impacted pasture areas with BLM seed mix **#2 and #4, 50/50 mix.**
9. Barricade entrance to reclaimed pasture areas with fencing or an earthen barrier sufficient to prevent vehicular access.
10. Continue to monitor spill reclamation area to ensure impacted pasture areas revegetate and that erosion issues do not develop.

### **Reserve Pit Impacted Areas:**

1. Both of the spills on this location have impacted the reserve pit area. The spills in this area must be delineated and cleaned up, but the old reserve pit also needs to be stabilized for the abandonment of the well. This may include removing

the top portions of the pit, installing a domed and keystone liner, and then backfilling with 3 or more feet of mineral material and topsoil.

**Habitat Establishment in Lieu of Backfilling Excavation Stipulations:**

1. The excavation will have to be proven to be clean enough to serve as a wildlife watering area, which will mean further sampling to a depth of 15 feet and further cleanup of any hot spots or contaminants in the basin and sidewall portion of the "pooling area".
2. The sides of the excavation will need to be sloped to a degree (2:1) conducive to establish vegetation without erosion development. Additional fill will need to be placed over the fiberglass pipeline.
3. Since the topsoil in the excavation has been completely removed, the basin is basically just sterile mineral material. Some mulching may need to be added to the area to promote soil organism development and to provide seeded vegetation with needed nutrients.
4. Establishment of a wildlife habitat, to include the following:
  - a. Remove mesquite trees from the immediate surrounding area.
  - b. 20 soapberry trees, planted in 4 clusters of 5 trees each, on the slopes of playa feature
  - c. 10 javelina bushes, planted at random on the shoulders of the playa feature
  - d. 10 sumac trees, planted at random on the toe of the playa feature
  - e. 10 Four-wing salt plants, planted at random on the slopes and shoulders of the playa feature
  - f. 5 soaptree yucca plants, planted at random at the toe of the playa inclines
  - g. Entire location to be seeded with LPC mix combined with 4 wing salt bush seed and 2 pounds of ragweed seed.
5. Installed trees and live shrubs will need to have fencing installed to protect the plantings until established.

**Other Stipulations:**

1. At the time of the final onsite for this location, the production facilities, well pad, access road, and the surrounding pasture areas must be in a condition that will pass a routine inspection.
2. All household trash, debris, disconnected pipe and equipment must be removed from the area and the surrounding pasture and hauled to an authorized landfill. Do not bury cleanup trash, equipment debris, or household garbage in the cleanup excavation.

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**BLM approval of this proposal does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that may pose a threat to groundwater, surface water, human health, or the environment, or if the location fails to reclaim properly. In such an event that location does not revegetate, or future issues with contaminants are encountered, the operator will be asked to address the issues until contaminant issues are fully mitigated and the location is successfully reclaimed. In addition, BLM approval does not relieve the operator of responsibility for compliance with any other federal, state, or local laws/regulations.**

Thank you for your attention to these matters,

**Terry Gregston**  
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Bureau of Land Management  
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