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From: Gregston, Terry G <tgregsto@blm.gov>
Sent: Sunday, December 18, 2011 5:03 PM
To: dfreck@linenergy.com; rragland@linenergy.com; jhernandez@linenergy.com; fred@etechenv.com; Bratcher, Mike, EMNRD; stephenmcghee56@yahoo.com
Subject: Max Friess Tank Battery, 09/09/11 spill, tracking number 11NU119TG: Excavation closure, approval stipulations

The cleanup and excavation work on the Max Friess Tank Battery, 09/09/11 spill, tracking number 11NU119TG, is approved for closure with the following stipulations:

- 1. The operator must obtain like approval for closure of excavation and spill mitigation measures from the OCD.**
- 2. In the case of the Max Friess Tank Battery, spill number 11NU119TG, the location is still a working tank battery location. As such, excavation depths in portions of the spill area in close proximity to standing production equipment were limited due to safety concerns. In such cases, such limits to cleanup measures should be considered a temporary spill abatement measure that will be further mitigated upon the abandonment of the well/facility location. Appropriate notations to that effect will be entered in the facility file.**
- 3. Pad areas should be resurfaced with 6" if clean caliche on top of the backfill material.**
- 4. Disturbed pasture areas/excavations will 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. 2' of topsoil similar to that in the surrounding native terrain should be installed on top of backfill materials in disturbed pasture areas.**
- 5. Install erosion control measures in the pasture-affected and reserve pit areas to prevent the unconsolidated reclamation materials from washing or blowing away until reclaimed areas settle and begin to revegetate.**
- 6. Seed reclaimed and equipment-impacted pasture areas and reserve pit area with a combination BLM seed mix #2 and #4 (50/50 mix). Seeding of pasture area is required for closure of the spill case and placement into monitoring status.**
- 7. Notify Terry Gregston, (575) 361-2635, when the site work is finished for final inspection.**
- 8. Continue to monitor reclaimed pasture and reserve pit areas to ensure:**
 - a.) erosion issues do not develop,**
 - b.) that pasture areas and the reserve pit fully revegetate.**
- 9. Upon abandonment of the facility, any portions of the spill that were not fully mitigated (due to safety concerns created by proximity to standing equipment) will be fully mitigated and surface vegetation restored across the entire location.**

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.

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