

**From:** [Randall Hicks](#)  
**To:** ["Hughes, Solomon"](#)  
**Cc:** [Bratcher, Mike, EMNRD](#); [mike@rthicksconsult.com](mailto:mike@rthicksconsult.com); ["Gonzalez, Luis"](#); [Patterson, Heather, EMNRD](#); ["James Amos"](#)  
**Subject:** RE: Southwest Royalties - Hackberry Release  
**Date:** Friday, October 31, 2014 2:29:44 PM

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Mr. Hughes

After speaking to Mr. Bratcher, I developed a revised plan and you both will see the plan on Monday. A few responses below in CAPS may prove useful to your understanding of OCD Rules and how they apply. I have placed them in CAPS, below your comments.

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**From:** Hughes, Solomon [mailto:shughes@blm.gov]  
**Sent:** Friday, October 31, 2014 10:58 AM  
**To:** Randall Hicks  
**Cc:** Bratcher, Mike, EMNRD; [mike@rthicksconsult.com](mailto:mike@rthicksconsult.com); Gonzalez, Luis; [Heather.Patterson@state.nm.us](mailto:Heather.Patterson@state.nm.us); James Amos  
**Subject:** Re: Southwest Royalties - Hackberry Release

Mr. Hicks,

As it has been explained to me, the "Pit Rule doesn't apply to this case for two reasons:

1. This spill is on federal land and the Pit Rule is something NMOCD uses for non-federal leases.

WE HAVE PLACED DRILLING PITS (TEMPORARY PITS) ON FEDERAL LAND (WITH APPROVED SUNDRY NOTICES FROM BLM) AND WITH APPROVED PERMITS (C-144) FROM OCD. DRILLING PITS HAVE BEEN PLACED ON PRIVATE LAND WITH THE WRITTEN PERMISSION OF THE SURFACE OWNER AND APPROVAL FROM OCD (C-144). TEMPORARY PITS HAVE ALSO BEEN APPROVED ON STATE LAND . SO THE PIT RULE – FOR PITS – CLEARLY APPLIES TO STATE, PRIVATE AND FEDERAL LAND.

2. It is been explained to me by NMOCD personnel that the Pit Rule, even on non-federal lands within this state, is only meant to be applied in reserve pit areas. The contamination from this spill in no way involves a reserve pit.

THIS ISSUE IS ADDRESSED IN THE FORTHCOMING CORRECTIVE ACTION PLAN.

#### IN ANY EVENT

In order to get this case closed and off the books, the BLM needs a cleanup plan that will accomplish the following:

1. The zones of soil that have been contaminated by this spill must be fully delineated by chemical testing. **THIS IS COMPLETE AND WILL BE PRESENTED IN THE FORTHCOMING FINAL PROPOSEAL**

2. Any soil that is contaminated to a level at or above 1000ppm chlorides needs to be excavated and/or capped. Contaminated topsoil will need to be excavated, removed, and replaced with at least 2 ft. of clean topsoil. **AS IT TURNS OUT, THE FINAL TESTING SHOWS ALL SOIL AT THE SITE THAT EXCEEDS 1000 PPM CHORIDE IS GONE AND THE MATERIAL TO BE PLACED INTO THE EXCAVATION WILL, WHEN BLENDED, BE BELOW 600 PPM CHLORIDE.**
3. If the excavation is not sufficient to eliminate contaminants, a caliche and/or 20-mm polyliner may be necessary to cap off deeply-penetrating subsurface contaminants and isolate them from clean topsoil. Our rule of thumb at the BLM, generally, is that if a 4-ft excavation is insufficient to get contaminants below RRALs, a cap may be emplaced at the bottom of the 4-ft excavation. **THIS IS MOOT DUE TO THE REMOVAL/DISPOSAL OF ALL OF THE MATERIAL EXCEEDING THE 1000 PPM CHLORIDE CONCENTRATION LIMIT**
4. After all contaminant has been eliminated and/or isolated from topsoil, reseed all un-vegetated areas with BLM LPC/Shinnery Seed Mixture. **THAT SEED MIX WILL BE IN THE FINAL PLAN.**

Please, let me know if you have any questions.

Bests,  
Sol

**Sol Hughes**

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On Tue, Oct 14, 2014 at 8:50 PM, Randall Hicks <[r@rthicksconsult.com](mailto:r@rthicksconsult.com)> wrote:  
Mike and Sol

Here are the results of the most recent sampling event and the modified remediation plan that considers the new data.

We will be ready to move forward after OCD review.

Randall T. Hicks  
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505-238-9515 (cell and best number to use)