

**From:** tgregsto@blm.gov  
**Sent:** Friday, April 22, 2011 5:51 PM  
**To:** Kelton\_Beaird@oxy.com; jamos@blm.gov  
**Cc:** Bratcher, Mike, EMNRD; cbrunson@bbcinternational.com  
**Subject:** Re: FW: Oxy-NEL #2

The work plan for the NEL 2 is approved with the following stipulations:

1. **Notify Terry Gregston, (575) 361-2635, when you move equipment onto the location to begin cleanup operations.**
2. **Notify Terry Gregston in the event that you encounter excavation difficulties, unexpected void areas, or archeological artifacts. An onsite may be required to assess the situation.**
3. **The BLM requires horizontal cleanup of the spill impacted areas in addition to vertical cleanup/mitigation measures. The goal of horizontal cleanup is to ensure that there is a minimum of 4 feet of clean soil across the horizontal surface of the entire spill affected area to provide a root zone for the re-establishment of vegetation. In the case of the NEL 2, existing production facility equipment and a hard subsurface layer may preclude reaching those cleanup depths in immediate proximity to the equipment. However, horizontal cleanup should be achieved where possible, to the depth possible, especially in the affected pasture area. Contaminated berm materials should be removed and disposed of properly along with the other contaminated materials from the site.**
4. **The BLM will wish to inspect the excavation once it reaches cleanup depth/width. Confirmation samples of the bottom, sidewalls, and any visibly affected areas outside of the excavation trench will be required; the BLM will witness the sampling. Contact Terry Gregston to schedule.**
5. **Lab analysis of the confirmation sampling must be forwarded to Terry Gregston at [terry\\_gregston@nm.blm.gov](mailto:terry_gregston@nm.blm.gov) for final approval before backfilling. Based on the sampling results, additional cleanup may be required or the site may be approved for closure.**
6. **Once final approval of cleanup is given, the excavation can be backfilled with clean soil. Some native topsoil will need to be provided in the pasture area to establish vegetation.**
7. **Install erosion control measures in the pasture-affected areas to prevent the unconsolidated soils from washing or blowing away. Re-install facility berms with compactable material capable of containing any future spills (permeability of the old tank containment berm led to the spill impacts in the downslope pasture in the current spill event). Seed reclaimed and equipment-impacted pasture areas with a combination BLM seed mix #3 and #4 (50/50 mix).**
8. **Notify the BLM when the site work is finished for final inspection and sign off on spill cleanup.**
9. **Continue to monitor spill reclamation area to ensure impacted pasture areas revegetate and that erosion issues do not develop.**

**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.**

Terry Gregston  
Environmental Protection Specialist  
Bureau of Land Management

620 E. Greene St.  
Carlsbad, NM 88220  
Office (575) 234-5958  
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<Kelton\_Beaird@oxy.com>

To <tgregsto@blm.gov>

cc

04/22/2011 10:25 AM

Subject FW: Oxy-NEL #2

Terry,

Please see the note below as an approval was granted for the NEL number 2 work plan with the NMOCD. If you could, please review and let me know whether the BLM approves of the work plan.

Thanks,

Kelton Beaird  
HES Specialist  
Oxy Permian  
Carlsbad, NM  
O: 575-628-4121  
C: 575-390-1903

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**From:** Cliff P. Brunson [mailto:cbrunson@bbcinternational.com]  
**Sent:** Friday, April 22, 2011 10:21 AM  
**To:** Mike Bratcher  
**Cc:** Beaird, Kelton H; Ken Swinney; Jennifer Gilkey  
**Subject:** Oxy-NEL #2

Mike,

This e-mail is to confirm our conversation yesterday morning, April 21, 2011 concerning the above referenced site for Oxy. As discussed and agreed upon, Oxy will excavated the impacted soil to a depth of 3 to 5 feet or as practicable to the hard rock layer that was encountered during the delineation phase at this site. The impacted soil will be disposed of at an OCD-approved disposal facility. The site will then be backfilled with clean soil. I have attached the data that we discussed for your files.

Please reply back to all with your concurrence of this path forward. I appreciate your assistance in getting this remediation plan approved.

Regards,

Cliff

Cliff Brunson, CEI, CRS  
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\*\*\*\*\*[attachment "Oxy-NEL #2-Diagram and Lab Data.pdf" deleted by Terry G  
Gregston/CFO/NM/BLM/DOI]