

**From:** [Hughes, Solomon](#)  
**To:** [Randall Hicks](#)  
**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 10:58:23 AM

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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.
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.

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.
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.
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.
4. After all contaminant has been eliminated and/or isolated from topsoil, reseed all un-vegetated areas with BLM LPC/Shinnery Seed Mixture.

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

505-266-5004 (office)

505-238-9515 (cell and best number to use)