

Venegas, Victoria, EMNRD

From: Venegas, Victoria, EMNRD
Sent: Tuesday, March 30, 2021 2:25 PM
To: Nick Hines; Willie Garcia; Jeffrey Sawyer
Cc: Sanchez, Daniel J., EMNRD; twilliams@envirotechconsulting.com
Subject: 1RF-463 Javelina Facility. Conditions of Approval

1RF-463 Javelina Facility. Conditions of Approval

Mr. Hines,

NMOCD has reviewed the recycling containment permit application and related documents, submitted by OWL SWD OPERATING, LLC [308339] on March 3, 2021, for the proposed **Javelina Facility** in Unit Letter A, Section 18, T-56S, R-35E, in Lea County, New Mexico. The application has been assigned the OCD Administrative Order number **1RF-463**.

OWL SWD OPERATING, LLC [308339] requested variances from 19.15.34 NMAC for the proposed **1RF-463 Javelina Facility**, related to 19.15.34. NMAC.

The following variances have been approved:

- The variance from 19.15.34.13.D NMAC, for the installation of a chain link fence, six (6) feet in height with a minimum of three (3) strands of barbed wire over the top of the chain link in lieu of a 4-strand barbed wire fence, is approved.
- The variance from 19.15.34.13.E NMAC for the installation of an audible bird deterrence system, "Bird-X Mega-Blaster Pro", is approved.

The following variance, specific to the earthen containments, have been approved:

- The variance to 19.15.34.12 A (4) NMAC for the installation on the earthen containment of a 60-mil HDPE primary liner and a 40-mil LLDPE secondary liner with a 200-mil Geonet drainage layer is approved

The following variances, specific to the above-ground storage tank (AST) containments, have been approved:

- The variance to 19.15.34.12.A (2) NMAC for the no side-slope requirement for the AST containment with vertical walls is approved per the application.
- The variance to 19.15.34.12.A (3) NMAC for the liners to be anchored to the top of the AST steel walls with clips and no anchor trenches is approved per the application.
- The variance to 19.15.34.12 A (4) NMAC for the installation on the ASTs containments of a 40-mil LLDPE primary liner and a 40-mil LLDPE secondary liner with a 200-mil geogrid drainage layer is approved.

The form C-147 and related documents for the proposed 1RF-463 Javelina Facility, is approved with the following conditions of approval:

- OWL SWD OPERATING, LLC [308339] shall construct, operate, maintain, close, and reclaim the 1RF-463 Javelina Facility in compliance with 19.15.34 NMAC.
- The 1RF-463 Javelina Facility is approved for five (5) years of operation from the date of permit application. 1RF-463 Javelina Facility permit expires on March 23, 2026. If OWL SWD OPERATING, LLC [308339] wishes to extend operations past five (5) years, an annual permit extension request must be submitted using an OCD form C-147 through [OCD Online](#) by February 23, 2026.
- OWL SWD OPERATING, LLC [308339] cannot receive produced water in 1RF-463 Javelina Facility until after the original copy of the financial assurance has been accepted by OCD. Per Rule 19.15.34.15.A.(1) operators without existing financial assurance pursuant to 19.15.8 NMAC shall furnish financial assurance acceptable to the division in the amount of the recycling containment's estimated closure cost provided in form C-147. The closure cost estimate specified in this application is \$ 1,154,040.00. The financial assurance bond should be mailed to the Oil

Conservation Division; ATTN: Eva Mathes, Bonding and Compliance; 1220 South St Frances Drive; Santa Fe, NM 87505. OCD will notify you when the bond has been received and approved. For your upcoming bonding needs, please see our online bond forms:

<http://www.emnrd.state.nm.us/OCD/forms.html>

- OWL SWD OPERATING, LLC [308339] shall notify OCD when construction of 1RF-463 Javelina Facility commences.
- OWL SWD OPERATING, LLC [308339] shall notify OCD when recycling operations commence and cease at the 1RF-463 Javelina Facility.
- A minimum of 3-feet freeboard must be maintained in the recycling containment, at all times during operations.
- OWL SWD OPERATING, LLC [308339] shall provide OCD with the calculations for the operational total fluid capacity of each of the containments within 30 days of receiving produced water in the containment. The operational fluid capacity is the total volume of the containment, minus the volume not utilized due to the freeboard.
- If less than 20% of the total fluid capacity is utilized every six months, beginning from the first withdrawal, operation of the facility is considered ceased and notification of cessation of operations should be sent electronically to OCD.Enviro@state.nm.us. An extension to extend the cessation of operation, not to exceed six months, may be submitted using a C-147 form through the [OCD Online](#) system.
- OWL SWD OPERATING, LLC [308339] shall submit monthly reports of recycling and reuse of produced water, drilling fluids, and liquid oil field waste on via OCD form C-148 through the [OCD Online](#) system.
- OWL SWD OPERATING, LLC [308339] shall comply with 19.15.29 NMAC Releases in the event of any release of produced water or other oil field wastes at 1RF-463 Javelina Facility.

Please reference number **1RF-463** in all future communications related to Javelina Facility.

Please keep a copy of this electronic communication for your files, as no paper copy of the approval will be delivered. A copy of this electronic communication will be saved in **1RF-463** electronic file on OCD Imaging at:

<https://ocdimage.emnrd.state.nm.us/imaging/AEOrderFileView.aspx?appNo=pVV2108855630>

Please let me know if you have any further questions or concerns,
Regards,

Victoria Venegas • Environmental Specialist

Environmental Bureau

EMNRD - Oil Conservation Division

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