District I 1625 N. French Dr., Hobbs, NM 88240 District II 811 S. First St., Artesia, NM 88210 District III 1000 Rio Brazos Road, Aztec, NM 87410 District IV 1220 S. St. Francis Dr., Santa Fe, NM 87505

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State of New Mexico Energy Minerals and Natural Resources Department Oil Conservation Division 1220 South St. Francis Dr. Santa Fe, NM 87505 Form C-144 Revised June 6, 2013

For temporary pits, below-grade tanks, and multi-well fluid management pits, submit to the appropriate NMOCD District Office. For permanent pits submit to the Santa Fe Environmental Bureau office and provide a copy to the appropriate NMOCD District Office.

14 608 Pit, Below-Grade Tan	
Proposed Alternative Method Permit or C	
Type of action: Below grade tank registration (Pre 2008 Exi	
Closure of a pit, below-grade tank, or proposed	
Modification to an existing permit/or registra	
Closure plan only submitted for an existing or proposed alternative method	permitted or non-permitted pit, below-grade tank,
Instructions: Please submit one application (Form C-144) per individu	al pit, below-grade tank or alternative request
ease be advised that approval of this request does not relieve the operator of liability should oper	
wironment. Nor does approval relieve the operator of its responsibility to comply with any other	
. Dperator: XTO Energy, Inc. OGRID #: 5380	OIL CONS. DIV DIST. 3
Address: #382 County Road 3100, Aztec, NM 87410	
Facility or well name:Morris Gas Com B 1F	JUN 01 2016
API Number: 30-045-32654 OCD Permit Num	ber:
U/L or Qtr/Qtr F Section10 Township 27N Ran	ge 10W County: San Juan
Center of Proposed Design: Latitude 36.589871 Longitude -107.885385	NAD: □1927 ⊠ 1983
Pit:       Subsection F, G or J of 19.15.17.11 NMAC         Femporary:       Drilling         Workover         Permanent       Emergency         Cavitation       P&A         Multi-Well Fluid Management	
Pit:       Subsection F, G or J of 19.15.17.11 NMAC         Temporary:       Drilling         Workover         Permanent       Emergency         Cavitation       P&A         Multi-Well Fluid Management         Lined       Unlined         Liner type:       Thickness         String-Reinforced	PVC Other
Pit:       Subsection F, G or J of 19.15.17.11 NMAC         Cemporary:       Drilling       Workover         Permanent       Emergency       Cavitation       P&A       Multi-Well Fluid Management         Lined       Unlined       Liner type:       Thickness       mil       LLDPE       HDPE         String-Reinforced	PVC Other
Pit:       Subsection F, G or J of 19.15.17.11 NMAC         'emporary:       Drilling       Workover         Permanent       Emergency       Cavitation       P&A       Multi-Well Fluid Management         Lined       Unlined       Liner type:       Thickness      mil       LLDPE       HDPE         String-Reinforced	PVC Other
Pit:       Subsection F, G or J of 19.15.17.11 NMAC         Cemporary:       Drilling       Workover         Permanent       Emergency       Cavitation       P&A       Multi-Well Fluid Management         Lined       Unlined       Liner type:       Thickness       mil       LLDPE       HDPE         String-Reinforced	PVC Other
Pit:       Subsection F, G or J of 19.15.17.11 NMAC         'emporary:       Drilling       Workover         Permanent       Emergency       Cavitation       P&A       Multi-Well Fluid Management         Lined       Unlined       Liner type:       Thickness      mil       LLDPE       HDPE         String-Reinforced	PVC     Other      bbl     Dimensions: Lx Wx D
Pit:       Subsection F, G or J of 19.15.17.11 NMAC         Cemporary:       Drilling       Workover         Permanent       Emergency       Cavitation       P&A       Multi-Well Fluid Management         Lined       Unlined       Liner type:       Thickness       mil       LLDPE       HDPE         String-Reinforced         Volume:       Volume:       Volume:         Below-grade tank:       Subsection I of 19.15.17.11 NMAC        Volume:          Cather       Subsection I of 19.15.17.11 NMAC            Secondary containment with leak detection       Visible sidewalls, liner, 6-inch lift and	PVC     Other      bbl     Dimensions: Lx Wx D
Pit:       Subsection F, G or J of 19.15.17.11 NMAC         Temporary:       Drilling       Workover         Permanent       Emergency       Cavitation       P&A       Multi-Well Fluid Management         Lined       Unlined       Liner type:       Thickness      mil       LLDPE       HDPE         String-Reinforced	PVC     Other      bbl     Dimensions: Lx Wx D
Pit:       Subsection F, G or J of 19.15.17.11 NMAC         Cemporary:       Drilling       Workover         Permanent       Emergency       Cavitation       P&A       Multi-Well Fluid Management         Lined       Unlined       Liner type:       Thickness      mil       LLDPE       HDPE         String-Reinforced	PVC     Other      bbl     Dimensions: Lx Wx D
Pit: Subsection F, G or J of 19.15.17.11 NMAC   Cemporary: Drilling   Workover   Permanent   Emergency   Cavitation   P&A   Multi-Well Fluid Management   Lined   Unlined   Liner type:   Thickness	PVC     Other      bbl     Dimensions: Lx Wx D
Fank Construction material:       Steel         Secondary containment with leak detection       Visible sidewalls, liner, 6-inch lift and         Visible sidewalls and liner       Visible sidewalls only         Other	PVC       Other
Pit:       Subsection F, G or J of 19.15.17.11 NMAC         Cemporary:       Drilling       Workover         Permanent       Emergency       Cavitation       P&A       Multi-Well Fluid Management         Lined       Unlined       Liner type: Thickness      mil       LLDPE       HDPE         String-Reinforced	PVC       Other
Pit:       Subsection F, G or J of 19.15.17.11 NMAC         Cemporary:       Drilling       Workover         Permanent       Emergency       Cavitation       P&A       Multi-Well Fluid Management         Lined       Unlined       Liner type:       Thickness       mil       LLDPE       HDPE         String-Reinforced         .iner Seams:       Welded       Factory       Other       Volume: <b>Below-grade tank:</b> Subsection I of 19.15.17.11 NMAC         // Olume:       120       bbl       Type of fluid:       Produced Water         Cark Construction material:       Steel	PVC       Other
Pit:       Subsection F, G or J of 19.15.17.11 NMAC         'emporary:       Drilling       Workover         Permanent       Emergency       Cavitation       P&A       Multi-Well Fluid Management         Lined       Unlined       Liner type: Thickness      mil       LLDPE       HDPE         String-Reinforced	PVC       Other
Pit:       Subsection F, G or J of 19.15.17.11 NMAC         Cemporary:       Drilling       Workover         Permanent       Emergency       Cavitation       P&A       Multi-Well Fluid Management         Lined       Unlined       Liner type:       Thickness      mil       LLDPE       HDPE         String-Reinforced	PVC       Other

18

Netting: Subsection E of 19.15.17.11 NMAC (Applies to permanent pits and permanent open top tanks)

Screen Netting Other

Monthly inspections (If netting or screening is not physically feasible)

Signs: Subsection C of 19.15.17.11 NMAC

12"x 24", 2" lettering, providing Operator's name, site location, and emergency telephone numbers

Signed in compliance with 19.15.16.8 NMAC

#### Variances and Exceptions:

7.

8

Justifications and/or demonstrations of equivalency are required. Please refer to 19.15.17 NMAC for guidance.

Please check a box if one or more of the following is requested, if not leave blank:

- Variance(s): Requests must be submitted to the appropriate division district for consideration of approval. Exception(s): Requests must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.

Siting Criteria (regarding permitting): 19.15.17.10 NMAC

Instructions: The applicant must demonstrate compliance for each siting criteria below in the application. Recommendations of acceptable source material are provided below. Siting criteria does not apply to drying pads or above-grade tanks.

<u>General siting</u>	
Ground water is less than 25 feet below the bottom of a low chloride temporary pit or below-grade tank ⊠ NM Office of the State Engineer - iWATERS database search; ⊠ USGS; □ Data obtained from nearby wells	□ Yes ⊠ No □ NA
Ground water is less than 50 feet below the bottom of a Temporary pit, permanent pit, or Multi-Well Fluid Management pit. NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	☐ Yes ☐ No ☐ NA
Within incorporated municipal boundaries or within a defined municipal fresh water well field covered under a municipal ordinance adopted pursuant to NMSA 1978, Section 3-27-3, as amended. (Does not apply to below grade tanks) - Written confirmation or verification from the municipality; Written approval obtained from the municipality	Yes No
<ul> <li>Within the area overlying a subsurface mine. (Does not apply to below grade tanks)</li> <li>Written confirmation or verification or map from the NM EMNRD-Mining and Mineral Division</li> </ul>	Yes No
<ul> <li>Within an unstable area. (Does not apply to below grade tanks)</li> <li>Engineering measures incorporated into the design; NM Bureau of Geology &amp; Mineral Resources; USGS; NM Geological Society; Topographic map</li> </ul>	Yes No
Within a 100-year floodplain. (Does not apply to below grade tanks) - FEMA map	Yes No
Below Grade Tanks	De la la
<ul> <li>Within 100 feet of a continuously flowing watercourse, significant watercourse, lake bed, sinkhole, wetland or playa lake (measured from the ordinary high-water mark).</li> <li>Topographic map; Visual inspection (certification) of the proposed site</li> </ul>	🗌 Yes 🛛 No
<ul> <li>Within 200 horizontal feet of a spring or a fresh water well used for public or livestock consumption;.</li> <li>NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site</li> </ul>	🗆 Yes 🛛 No
Temporary Pit using Low Chloride Drilling Fluid (maximum chloride content 15,000 mg/liter)	Backle
<ul> <li>Within 100 feet of a continuously flowing watercourse, or any other significant watercourse or within 200 feet of any lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark). (Applies to low chloride temporary pits.)</li> <li>Topographic map; Visual inspection (certification) of the proposed site</li> </ul>	Yes No
Within 300 feet from a occupied permanent residence, school, hospital, institution, or church in existence at the time of initial	Yes No
<ul> <li>Visual inspection (certification) of the proposed site; Aerial photo; Satellite image</li> </ul>	
Within 200 horizontal feet of a spring or a private, domestic fresh water well used by less than five households for domestic or stock watering purposes, or 300feet of any other fresh water well or spring, in existence at the time of the initial application. NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site	Yes No

Within 100 feet of a wetland.	
- US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site	Yes No
Temporary Pit Non-low chloride drilling fluid	
Within 300 feet of a continuously flowing watercourse, or any other significant watercourse, or within 200 feet of any lakebed, sinkhole,	\$11 Gen 14
<ul> <li>or playa lake (measured from the ordinary high-water mark).</li> <li>Topographic map; Visual inspection (certification) of the proposed site</li> </ul>	Yes No
<ul> <li>Within 300 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application.</li> <li>Visual inspection (certification) of the proposed site; Aerial photo; Satellite image</li> </ul>	Yes No
<ul> <li>Within 500 horizontal feet of a spring or a private, domestic fresh water well used by less than five households for domestic or stock watering purposes, or 1000 feet of any other fresh water well or spring, in the existence at the time of the initial application;</li> <li>NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site</li> </ul>	Yes No
Within 300 feet of a wetland.	12. 19
- US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site	Yes No
Permanent Pit or Multi-Well Fluid Management Pit	14 - AL-
Within 300 feet of a continuously flowing watercourse, or 200 feet of any other significant watercourse, or lakebed, sinkhole, or playa	
<ul> <li>lake (measured from the ordinary high-water mark).</li> <li>Topographic map; Visual inspection (certification) of the proposed site</li> </ul>	Yes No
Within 1000 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application.	
<ul> <li>Visual inspection (certification) of the proposed site; Aerial photo; Satellite image</li> </ul>	Yes No
Within 500 horizontal feet of a spring or a fresh water well used for domestic or stock watering purposes, in existence at the time of	
initial application.	Yes No
- NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site	
<ul> <li>Within 500 feet of a wetland.</li> <li>US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site</li> </ul>	Yes No
10.	
Temporary Pits, Emergency Pits, and Below-grade Tanks Permit Application Attachment Checklist: Subsection B of 19.15.17.9 Instructions: Each of the following items must be attached to the application. Please indicate, by a check mark in the box, that the dot	NMAC ocuments are
attached. Hydrogeologic Report (Below-grade Tanks) - based upon the requirements of Paragraph (4) of Subsection B of 19.15.17.9 NMAC	
<ul> <li>Hydrogeologic Data (Temporary and Emergency Pits) - based upon the requirements of Paragraph (2) of Subsection B of 19.15.17.</li> <li>Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC</li> </ul>	9 NMAC
<ul> <li>Design Plan - based upon the appropriate requirements of 19.15.17.11 NMAC</li> <li>Operating and Maintenance Plan - based upon the appropriate requirements of 19.15.17.12 NMAC</li> </ul>	
Closure Plan (Please complete Boxes 14 through 18, if applicable) - based upon the appropriate requirements of Subsection C of 19 and 19.15.17.13 NMAC	.15.17.9 NMAC
Previously Approved Design (attach copy of design) API Number: or Permit Number:	
	Stork 1
<u>Multi-Well Fluid Management Pit Checklist</u> : Subsection B of 19.15.17.9 NMAC Instructions: Each of the following items must be attached to the application. Please indicate, by a check mark in the box, that the de	ocuments are
attached. Design Plan - based upon the appropriate requirements of 19.15.17.11 NMAC	
<ul> <li>Operating and Maintenance Plan - based upon the appropriate requirements of 19.15.17.12 NMAC</li> <li>A List of wells with approved application for permit to drill associated with the pit.</li> </ul>	
Closure Plan (Please complete Boxes 14 through 18, if applicable) - based upon the appropriate requirements of Subsection C of 19	9.15.17.9 NMAC
and 19.15.17.13 NMAC Hydrogeologic Data - based upon the requirements of Paragraph (4) of Subsection B of 19.15.17.9 NMAC	
Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC	
Previously Approved Design (attach copy of design) API Number: or Permit Number:	

12. <u>Permanent Pits Permit Application Checklist</u> : Subsection B of 19.15.17.9 NMAC <i>Instructions: Each of the following items must be attached to the application. Please indicate, by a check mark in the box, that the</i>	documents are
attached.         Hydrogeologic Report - based upon the requirements of Paragraph (1) of Subsection B of 19.15.17.9 NMAC         Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC         Climatological Factors Assessment         Certified Engineering Design Plans - based upon the appropriate requirements of 19.15.17.11 NMAC         Dike Protection and Structural Integrity Design - based upon the appropriate requirements of 19.15.17.11 NMAC         Leak Detection Design - based upon the appropriate requirements of 19.15.17.11 NMAC         Liner Specifications and Compatibility Assessment - based upon the appropriate requirements of 19.15.17.11 NMAC	
<ul> <li>Quality Control/Quality Assurance Construction and Installation Plan</li> <li>Operating and Maintenance Plan - based upon the appropriate requirements of 19.15.17.12 NMAC</li> <li>Freeboard and Overtopping Prevention Plan - based upon the appropriate requirements of 19.15.17.11 NMAC</li> <li>Nuisance or Hazardous Odors, including H<sub>2</sub>S, Prevention Plan</li> <li>Emergency Response Plan</li> <li>Oil Field Waste Stream Characterization</li> </ul>	
<ul> <li>Monitoring and Inspection Plan</li> <li>Erosion Control Plan</li> <li>Closure Plan - based upon the appropriate requirements of Subsection C of 19.15.17.9 NMAC and 19.15.17.13 NMAC</li> </ul>	1.1.5
13.       Proposed Closure:       19.15.17.13 NMAC         Instructions: Please complete the applicable boxes, Boxes 14 through 18, in regards to the proposed closure plan.         Type:       □ Drilling       □ Workover       □ Emergency       □ Cavitation       □ P&A       □ Permanent Pit       ○ Below-grade Tank       □ Multi-well F	luid Management Pit
<ul> <li>☐ Alternative</li> <li>Proposed Closure Method:          <ul> <li>Waste Excavation and Removal</li> <li>Waste Removal (Closed-loop systems only)</li> <li>On-site Closure Method (Only for temporary pits and closed-loop systems)</li> <li>☐ In-place Burial ☐ On-site Trench Burial</li> <li>☐ Alternative Closure Method</li> </ul> </li> </ul>	
<ul> <li>Waste Excavation and Removal Closure Plan Checklist: (19.15.17.13 NMAC) Instructions: Each of the following items must be closure plan. Please indicate, by a check mark in the box, that the documents are attached.</li> <li>              Protocols and Procedures - based upon the appropriate requirements of 19.15.17.13 NMAC                  More that the comments of the provide that the documents are attached.                  More that the provide that the documents of 19.15.17.13 NMAC                  More that the provide that the documents of the provide that the provide that the documents of the provide that the provide the provide that the provide the provide that the provide that the provide the provide that the provide that the provide that the provide the prov</li></ul>	
15. <u>Siting Criteria (regarding on-site closure methods only)</u> : 19.15.17.10 NMAC Instructions: Each siting criteria requires a demonstration of compliance in the closure plan. Recommendations of acceptable sour provided below. Requests regarding changes to certain siting criteria require justifications and/or demonstrations of equivalency. In 19.15.17.10 NMAC for guidance.	
Ground water is less than 25 feet below the bottom of the buried waste. - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	□ Yes □ No □ NA
Ground water is between 25-50 feet below the bottom of the buried waste - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	□ Yes □ No □ NA
Ground water is more than 100 feet below the bottom of the buried waste NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	Yes No
<ul> <li>Within 100 feet of a continuously flowing watercourse, or 200 feet of any other significant watercourse, lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark).</li> <li>Topographic map; Visual inspection (certification) of the proposed site</li> </ul>	Yes No
<ul> <li>Within 300 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application.</li> <li>Visual inspection (certification) of the proposed site; Aerial photo; Satellite image</li> </ul>	Yes No
<ul> <li>Within 300 horizontal feet of a private, domestic fresh water well or spring used for domestic or stock watering purposes, in existence at the time of initial application.</li> <li>NM Office of the State Engineer - iWATERS database; Visual inspection (certification) of the proposed site</li> </ul>	Yes No
Written confirmation or verification from the municipality; Written approval obtained from the municipality	Yes No
Within 300 feet of a wetland. US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site	Yes No
Within incorporated municipal boundaries or within a defined municipal fresh water well field covered under a municipal ordinance	

Sec. 1983

adopted pursuant to NMSA 1978, Section 3-27-3, as amended. - Written confirmation or verification from the municipality; Written approval obtained from the municipality	Yes No
Within the area overlying a subsurface mine Written confirmation or verification or map from the NM EMNRD-Mining and Mineral Division	Yes No
<ul> <li>Within an unstable area.</li> <li>Engineering measures incorporated into the design; NM Bureau of Geology &amp; Mineral Resources; USGS; NM Geological Society; Topographic map</li> </ul>	Yes No
Within a 100-year floodplain.	1000
- FEMA map	Yes No
16.         On-Site Closure Plan Checklist: (19.15.17.13 NMAC) Instructions: Each of the following items must be attached to the closure p         by a check mark in the box, that the documents are attached.         Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC         Proof of Surface Owner Notice - based upon the appropriate requirements of Subsection E of 19.15.17.13 NMAC         Construction/Design Plan of Burial Trench (if applicable) based upon the appropriate requirements of Subsection K of 19.15.17         Construction/Design Plan of Temporary Pit (for in-place burial of a drying pad) - based upon the appropriate requirements of 19         Protocols and Procedures - based upon the appropriate requirements of 19.15.17.13 NMAC         Confirmation Sampling Plan (if applicable) - based upon the appropriate requirements of 19.15.17.13 NMAC         Waste Material Sampling Plan - based upon the appropriate requirements of 19.15.17.13 NMAC         Disposal Facility Name and Permit Number (for liquids, drilling fluids and drill cuttings or in case on-site closure standards can         Soil Cover Design - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC         Re-vegetation Plan - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC         Site Reclamation Plan - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC	7.11 NMAC 9.15.17.11 NMAC
Tr.     Operator Application Certification:     I hereby certify that the information submitted with this application is true, accurate and complete to the best of my knowledge and be     Name (Print): Logan Hixon     Title : EHS Coordinator	lief.
Signature: Date:May 25, 2016	
e-mail address: Logan_Hixon@xtoenergy.com Telephone: (505) 333-3683	Ser Parties
18.       OCD Approval: Permit Application (including closure plan)       Closure Plan (only)       OCD Conditions (see attachment)         OCD Representative Signature:	
Instructions: Operators are required to obtain an approved closure plan prior to implementing any closure activities and submittin The closure report is required to be submitted to the division within 60 days of the completion of the closure activities. Please do no section of the form until an approved closure plan has been obtained and the closure activities have been completed.	
Closure Completion Date:	- Carlos and
20. <u>Closure Method</u> : Waste Excavation and Removal On-Site Closure Method Alternative Closure Method Waste Removal (Closed- If different from approved plan, please explain.	loop systems only)

Oil Conservation Division

22. Operator Closure Certification:	
	ts submitted with this closure report is true, accurate and complete to the best of my knowledge and all applicable closure requirements and conditions specified in the approved closure plan.
Name (Print):	Title:
Signature:	Date:
e-mail address:	Telephone:

.

## Cory or Vanessa,

This below grade tanks was missed during the 2008- Pit Rule Permitting Process. This below grade tanks was installed prior to June 1, 2008. This below grade tank meets the standards of the 2008 pit rule, and has visible sidewalls. We are requesting approved registration for this site. XTO will not be providing ground water data with this registration based on site analysis that potentially shows no indication of shallow groundwater. At the time of closure XTO will close this pit using the most stringent standards unless additional groundwater detail indicates a different standard may be utilized with approval from Aztec, NM NMOCD District Office. XTO believes that this below grade tanks does not pose a threat to fresh water, human health and the environment.

# If you have any questions or concerns do not hesitate to contact me at anytime. Thank you and have a good day!

#### Thank You!

XTO ENERGY INC., an ExxonMobil subsidiary Logan Hixon | 72 Suttle Street, Suite J | Durango, CO 81303 | ph: 970-247-7708 | Cell: 505-386-8018 Logan Hixon | 382 CR 3100 | Aztec, NM 87410 | ph: 505-333-3100 | Logan Hixon@xtoenergy.com

## XTO Energy Inc. San Juan Basin Below Grade Tank Variance Page

In accordance with Rule 19.15.17.15 NMAC, the following outlines all variances that are being requested for below grade tanks at XTO facilities. All variances requested provide equal or better protection of fresh water, public health and the environment.

## Fencing

XTO requests a variance on rule 19.15.17.11.D(3) NMAC which requires fencing around below grade tanks to have at least four (4) strands of barbed wire evenly spaced in the interval between one foot and four feet above ground level. XTO instead requests to utilize hogwire fencing at least four (4) feet high with a top rail for fencing around below grade tanks. This will provide equal protection for livestock from the below grade tank. **Closure Requirements** 

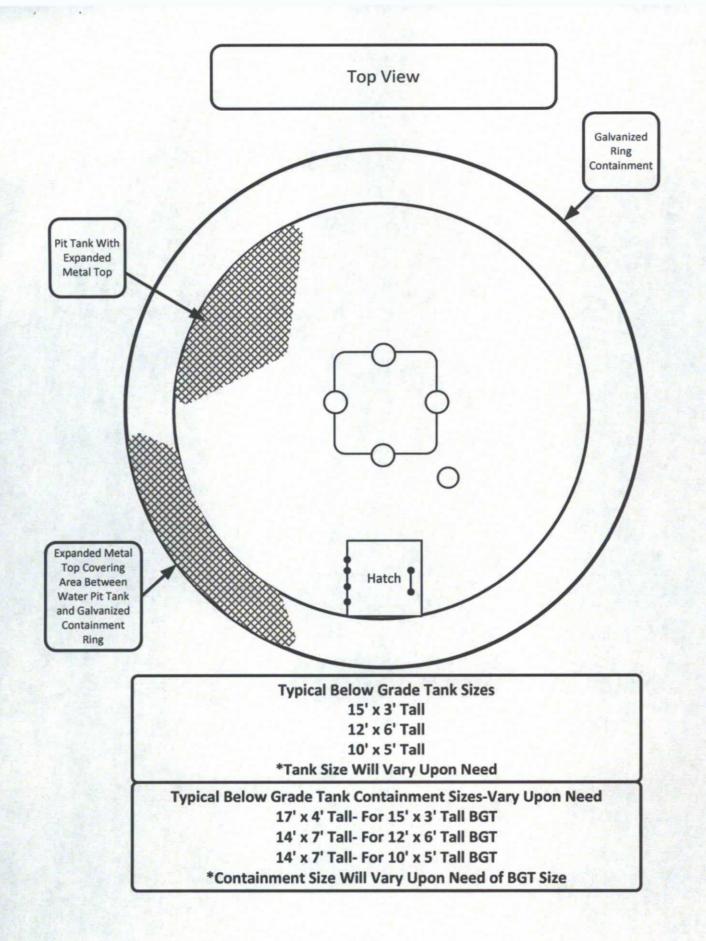
XTO requests a variance on rule 19.15.17.13.C(3)(a) NMAC which requires operators to analyze closure samples for the constituents listed in Table I of 19.15.17.13 NMAC. XTO instead requests to replace the USEPA analytical method 300.0 for total chloride to USEPA Method 9056. The SW846 9056 method <u>Determination of Inorganic Anions By Ion</u> <u>Chromatography</u>, from *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, which also contains methods for the analysis of groundwater, is customarily used to comply with RCRA regulations. EPA Method 300.0 <u>Determination of Inorganic Anions by Ion Chromatography</u> is taken from <u>Methods for Chemical Analysis of Waters and</u> Wastes, and includes test procedures that are approved for monitoring under the Safe Drinking Water Act (SDWA) and the National Pollutant Discharge Elimination System (NPDES). The Scope of Application for each method is the same, and both methods utilize ion chromatograph instrumentation. Following either procedure, steps for instrument calibration and data calculation are equivalent. Sample preservation, holding time, handling and storage is identical between the two methods. It is expected that data produced from either method should be consistent.

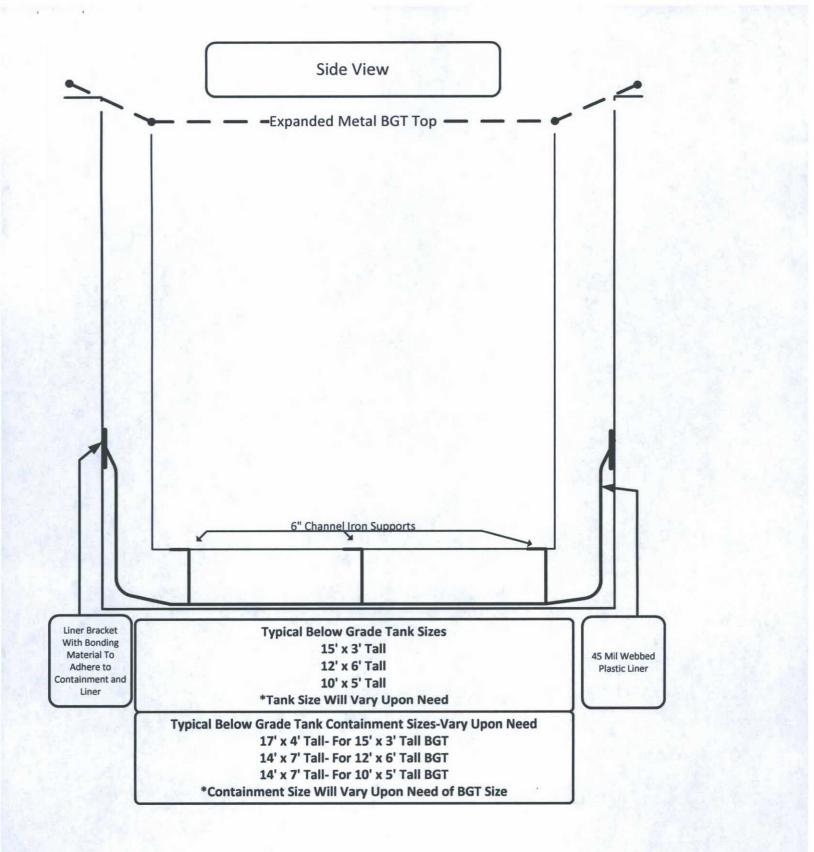
XTO Energy is requesting this variance on the grounds that USEPA Method 418.1 is an outdated analytical method that reports a full range of hydrocarbons from C<sub>8</sub> through C<sub>40</sub>. (*Reference: American Petroleum Institute*). This range of hydrocarbons is above the range that can reasonably be expected to be found in our field in both drilling pits and beneath below grade tanks. USEPA Method 8015M (GRO/DRO + extended analysis) will report hydrocarbons ranging from C<sub>6</sub>-C<sub>10</sub> for GRO, C<sub>10</sub>-C<sub>28</sub> for DRO, and C<sub>28</sub>-C<sub>36</sub> for extended analysis. This information was provided by Environmental Science Corporation Laboratories. As the information demonstrates, the 8015M analytical method reports as low as C<sub>6</sub>, reporting lower than USEPA Method 418.1. Utilizing analytical method 8015M, lighter range hydrocarbons will be reported instead of higher range, heavy hydrocarbons that may not be reasonably expected to be found in our field. Utilization of USEPA Method 8015M will better protect groundwater resources by identifying lighter, more mobile hydrocarbons that USEPA Method 8015M are not a mobile form of hydrocarbon, and are not a threat to human health and the environment.

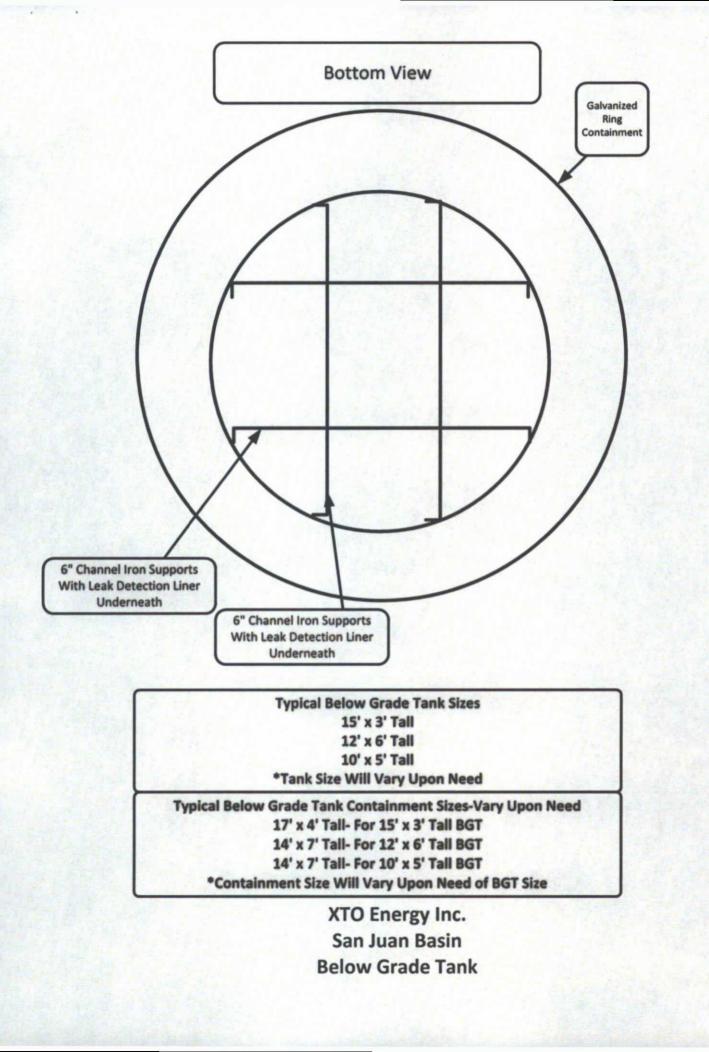
XTO requests a variance on rule 19.15.17.13.E(2) requiring that operators notify the appropriate division office verbally AND in writing at least 72 hours prior to any closure operation. XTO instead requests that the verbal notification be waived, as suggested by the local division office. XTO will provide written notification to the division office in the form of an email at least 72 hours prior to beginning closure activities.











## **General Design and Construction Plan**

In accordance with Rule 19.15.17.11 NMAC the following information describes the general design and construction requirements of below-grade tanks on XTO Energy Inc. (XTO) locations. This is XTO's standard design and construction for all below-grade tanks. Because this below-grade tank is already installed, this design and construction plan would apply only if the below grade tank was upgraded or replaced.

## **General Plan**

- Criteria to be met for existing tank.
- 1. XTO will design and construct below-grade tanks to contain liquids and solids and prevent contamination of fresh water, and protect human health and the environment.
- XTO will post a well sign, pursuant to 19.15.16.8 NMAC, on the existing well site where the below grade tank is located. The sign will list the Operator, the location of the well site by Unit letter, section, township and range, county, and an emergency telephone number.
- 3. XTO is requesting approval of an alternative fencing to be used on below grade tank locations. XTO instead requests to utilize hog wire fencing at least four (4) feet high with a top rail for fencing around below grade tanks. This will provide equal protection for livestock from the below grade tank. A 6' chain link fence with two strands of barbed wire on top will be used on locations within city limits or within ¼ mile of a permanent residence, school, hospital, institution or church.
- 4. XTO shall construct below grade tanks with an expanded metal covering.
- The below grade tank cellar will be constructed with a foundation consisting of a level base free of rocks, debris, sharp edges, or irregularities to prevent punctures, cracks or indentations of the tank bottom or liner.
- Below grade tanks will be constructed inside a berm in order to prevent the collection of surface water and run on. Below grade tanks will be equipped with automatic high level shut off devices as well as manually operated shut off valves.
  - In addition to the plans above, if the below grade tank is upgraded or replaced the following will be utilized as well:
- XTO will use single walled below grade tanks. The tanks will be placed into a circular, galvanized steel cellar with the sidewalls opened for visual inspection, and the bottom will be elevated a minimum of 6" above the underlying ground surface to allow for leak detection. (see attached diagram)
- XTO will equip below grade tanks with a properly functioning, automatic high level high-level shut off control device, as well as manual controls, to prevent overflows.
- The geomembrane liner will be compliant with the specifications outlined in 19.15.17.11 NMAC. The liner will be composed of an impervious material that is resistant to hydrocarbons, salts and acids, and sunlight.

# XTO Energy Inc. San Juan Basin Below Grade Tank Operation and Maintenance Procedures

In accordance with Rule 19.15.17.12 NMAC the following information describes the operation and maintenance requirements of below-grade tanks on XTO Energy Inc. (XTO) locations. This is XTO's standard operation procedure for all below-grade tanks.

## Procedures

- XTO will operate below grade tanks in such a way as to contain liquids, and maintain the integrity of the liner, liner system, and secondary containment, prevent contamination of fresh water, and protect public health and the environment.
- 2. XTO will not discharge into or store any hazardous waste into a below grade tank.
- 3. In the event of a leak in the below grade tank, XTO will:
  - a. Remove all liquids above the leak within 48 hours
  - b. Notify the Aztec Office of the NMOCD of the leak within 48 hours
  - c. Repair the leak, or replace the below grade tank as necessary
- All below grade tanks will be installed and operated in such a way as to prevent surface water run on or collection.
- 5. XTO will remove any measurable layer of oil from the fluid surface of a below grade tank.
- XTO will inspect the below grade tank for leaks and damage at least monthly, documenting the inspections, and maintaining a record of the inspections for five (5) years.
- XTO will operate the below grade tank in such a way as to maintain adequate freeboard to prevent overtopping of the below grade tank.
- In the event the below grade tank no longer demonstrates integrity, XTO will close the below grade tank in accordance with the requirements of 19.15.17.11.I (5) NMAC. If the below grade tank was modified or retrofitted then it will be closed per 19.15.17.13 NMAC.
- In the event that the below grade tank requires modification, XTO will make any modifications to the existing below grade tank following the attached *Construction Design* and *Design And Construction Plans* meeting the requirements of 19.15.17.11 along with 19.15.17.12.D(6)

## XTO Energy Inc. San Juan Basin Below Grade Tank Closure Plan

In accordance with Rule 19.15.17.13 NMAC the following information describes the closure requirements of belowgrade tanks on XTO Energy Inc. (XTO) locations. This is XTO's standard procedure for all below-grade tanks. A separate plan will be submitted for any below-grade tank which does not conform to this plan.

## **General Plan**

- XTO will obtain approval of this closure plan prior to commencing closure of the below grade tank at this location pursuant to 19.15.17.13.C (1) NMAC
- 11. XTO will notify the surface owner by certified mail, return receipt requested, that the operator plans closure operations at least 72 hours, but no more than one week, prior to any closure operation. Notice will include:
  - a. Well Name
  - b. API #
  - c. Well Location
- 12. XTO will notify the NMOCD Aztec Office by email that the operator plans closure operations at least 72 hours, but no more than one week, prior to any closure operation. Notice will include:
  - a. Well Name
  - b. API #
  - c. Well Location
- 13. Within 60 days of cessation of operations, XTO will remove liquids and sludge from below-grade tanks prior to implementing a closure method and will dispose of the liquids and sludge in a division-approved facility. Approved facilities and waste streams include:
  - Soils, tank bottoms, produced sand, pit sludge and other exempt wastes impacted by petroleum hydrocarbons will be disposed of at: Envirotech: Permit #NM01-0011 and IEI: Permit # NM01-0010B
  - Produced Water will be disposed of at: Basin Disposal: Permit #NM01-005 and XTO owned salt water Disposal Facilities

- 14. Within six (6) months of cessation of operations, XTO will remove the below-grade tank and dispose of it in a division-approved facility or recycle, reuse, or reclaim it in a manner that the appropriate division district office approves. If there is any equipment associated with a below-grade tank, then the operator shall remove the equipment, unless the equipment is required for some other purpose.
- 15. XTO will collect a closure sample of the soil beneath the location of the below grade tank or liner that is being closed. The closure sample will consist of a five-point composite sample to include any obvious stained or wet soils, or other evidence of contamination. The closure sample will be analyzed for all constituents listed in Table I below, including DRO+GRO, Chlorides, TPH (C6-C36), benzene and BTEX.

TABLE I				
Depth Below bottom of pit to groundwater less than 10,000 mg/l TDS	Constituent	Method	Limit	
	Chloride	EPA 9056	600 mg/kg	
-	TPH (C6-C36)	Method 8015	100 mg/kg	
S	BTEX	Method 8021B	50 mg/kg	
≤ 50 Feet	Benzene	Method 8021B	10 mg/kg	
	Chloride	EPA 9056	10,000 mg/kg	
	TPH (C6-C36)	Method 8015	2,500 mg/kg	
	GRO + DRO	Method 8015	1,000 mg/kg	
	BTEX	Method 8021B	50 mg/kg	
51 feet - 100 feet	Benzene	Method 8021B	10 mg/kg	
	Chloride	EPA 9056	20,000 mg/kg	
	TPH (C6-C36)	EPA 8015	2,500 mg/kg	
	GRO + DRO	Method 8015	1,000 mg/kg	
a second second	BTEX	Method 8021B	50 mg/kg	
> 100 feet	Benzene	Method 8021B	10 mg/kg	

XTO will meet the limits for <50' to groundwater detailed in Table I.

- a. In accordance with Rule 19.15.17.13.C(3)(b) if contaminant concentrations exceed the proposed limit and groundwater is found to be deeper than 50', XTO may elect to submit additional groundwater information to the Division and request a higher closure limit. XTO will submit the additional groundwater data via email documenting the depth to groundwater at the location. XTO will wait for approval of the groundwater data by the NMOCD, prior to completing closure activities at the site.
- b. If a higher closure limit is submitted and approved by the Division, XTO will submit a copy of the request, the groundwater information and the received approval in their closure report
- 16. If any contaminant concentration is higher than the parameters listed in Table I of 19.15.17.13 NMAC, the division may require additional delineation upon review of the results and the operator must receive approval before proceeding with closure. If all contaminant concentrations are less than or equal to the parameters listed in Table I of 19.15.17.13 NMAC, then the operator can proceed to backfill the pit, pad, or excavation with non-waste containing, uncontaminated, earthen material.

- 17. After closure has occurred, XTO will reclaim the former BGT area, if it is no longer being used for extraction of oil and gas, by substantially restoring the surface area to the condition that existed prior to oil and gas operations. XTO will construct the soil cover to the site's existing grade and prevent ponding of water and erosion of the cover materials. The soil cover shall consist of the background thickness of topsoil, or one foot of suitable materials to establish vegetation at the site, whichever is greater. All areas will be reclaimed as early as practicable, and as close to their original condition or land use as possible. They shall be maintained in a way as to control dust and minimize erosion.
- 18. XTO will complete reclamation of all disturbed areas no longer in use when the ground disturbance activities at the site have been completed. The reseeding shall take place during the first favorable growing season after closure. Reclamation activities will be considered completed when a uniform vegetative cover has been established that reflects a life-form ratio of plus or minus fifty percent (50%) of pre-disturbance levels, and a total percent plant cover of at least seventy percent (70%) of pre-disturbance levels, excluding noxious weeds.

\*Re-vegetation and reclamation obligations imposed by other applicable federal, state or tribal agencies on lands managed by those agencies shall supersede the above requirements, provided they provide equal or better protection of fresh water, human health and the environment.

- 19. XTO will notify the Aztec Office of the NMOCD by C-103 when reclamation and closure activities are completed, unless the site is managed by another regulatory agency whose reclamation requirements provide equal or greater cover than NMOCD requirements. In those instances, the requirements of the other regulatory agency will be followed.
- Within 60 days of closure, XTO will submit a closure report to the Aztec office of the NMOCD, filed on Form C-144. The report will include the following:
  - a. Proof of closure notice to NMOCD and surface owner
  - b. Confirmation sampling analytical results
  - c. Soil backfill and cover installation information
  - d. Photo documentation of site reclamation
  - Alternative Table I groundwater criteria request, groundwater information and received approval. (If Needed)