

January 18, 2018

Dear Mr. Spicher:

Re: Libby Produced Water Recycling Facility and Recycling Containment located in Lea County, Section 26, Township 20S, Range 34E.

NMOCD has reviewed the submitted documents, dated December 4, 2017, encompassing the C-147 for the proposed Libby Recycling Facility & Recycling Containment. NMOCD gives approval for the following variances:

1. The variance request for 60-mil HDPE secondary liner instead of the 30-mil string reinforced liner as indicated in rule 34 is approved with stipulation that the liner "system" as proposed in package is constructed.
2. The variance request to install and operate the "Bird-X Mega Blaster Pro" system in lieu of Rule indicated netting for bird deterrence is approved. It is the responsibility of the Operator to maintain appropriate function of said system. Other aspects of the Rule relative to bird control/reporting remain in place.
3. The alternate fencing as proposed is also approved.
4. Therefore, the application and permit needs for Facility and Containment are approved.

Thank you for your assistance and cooperation on this matter.

Sincerely,

Bradford Billings

EMNRD

OCD/Santa Fe

Be advised: Please keep a copy of this electronic communication for your files, as no paper copy will be delivered.