

Original Conditions

As a result of significant differences in groundwater flow direction at the source area shown between Figure 5a and Figure 5b from December 2023 to March 2024 in the SOW, a denser network of monitoring wells is necessary for a more precise characterize of the contamination source in the area. Apache Corporation must develop the following within ninety (90) days of this approval date for additional well borings and the subsequent conditions of approval below. The coordinates for each additional monitoring well required for installation by OCD are included in conditions (1.a through 1.n)

1a. TMW-30 shall be installed approximately 430 feet east of the TMW-28 well proposal, and 50 feet south. Better defining background concentrations. (32.482591, -103.120003)

1b. TMW-31 shall be installed approximately 350 feet northwest of TMW-22. Reduces the distance between TMW-12 and TMW-22 for more precise characterization. (32.481806, -103.119008)

1c. TMW-32 shall be installed approximately 275 feet east of TMW-12. Reduces distance between adjacent wells for more precise characterization. (32.481354, -103.119876)

1d. TMW-33 shall be installed approximately 415 feet southwest of TMW-22. Reduces the distance between TMW-21 and TMW-13 for more precise characterization. (32.480643, -103.118728)

1e. TMW-34 shall be installed approximately 350 feet west of TMW-14. Achieves more characterization near TMW-17 which conveys a high chloride level. (32.479492, -103.120080)

1f. TMW-35 shall be installed approximately 190 feet northeast of TMW-15. Addresses more necessary characterization near TMW-17 (32.479341, -103.119302)

1g. TMW-36 shall be installed approximately 175 feet southwest of TMW-17. Addresses need for more characterization near TMW-17 (32.478749, -103.120871)

1h. TMW-37 shall be installed approximately 275 feet southeast of TMW-17. Addresses need for more characterization near TMW-17. (32.478577, -103.119850)

1i. TMW-38 shall be installed approximately 300 feet northwest of proposed TMW-26. More characterization and assessment needed in the southeast region of the release area. (32.477683, -103.119429)

1j. TMW-39 shall be installed approximately 200 feet southeast of TMW-18. The release area in southeast area needs tighter monitoring network of characterization and assessment for chloride. (32.477447, -103.120144)

1k. TMW-40 shall be installed approximately 200 feet southeast of TMW-16. Addresses lack of characterization and assessment between MW-19 and MW-18 (32.477640, -103.121407)

1l. TMW-41 shall be installed approximately 275 feet east of TMW-24. Addresses lack of characterization and assessment between TMW-24 and TMW-23 (32.476499, -103.121560)

1m. TMW-42 shall be installed approximately 220 feet east of TMW-23. Addresses lack of characterization and assessment between TMW-25 and TMW-26 (32.476456, -103.119774)

1n. TMW-42 shall be installed approximately 75 feet NE of TMW-13. Addresses lack of characterization between TMW-13 and TMW-22. (32.4811185, -103.1189847)

2. A current and up-to-date site map showing proposed monitoring wells in the SOW, and the additional fourteen (14) monitoring wells prescribed by OCD for further characterization and assessment of chlorides and BTEX.

3. Any quarterly monitoring collected to the present (summary table and lab analyses are sufficient).

4. The windmill well must be sampled and analyzed for barium in the next round of groundwater monitoring.

5. Both TMW #5 and TMW #17 must be sampled for all human health standard constituents in the NM WQCC list in subsections A, B and C of 20.6.2.3103 NMAC as these two wells had the highest concentrations of contamination.

6. All proposed monitoring wells in the Scope of Work for additional investigation and the additional required monitoring wells by OCD must be logged by a qualified person and have soil sample analyses for TPH, chloride, and BTEX by EPA Methods 8260, EPA Method 300 and EPA Method 8015. Five (5) foot interval composite samples are acceptable.

7. Drilling for all wells is required to commence within ninety (90) days from this date of approval.

8. 19.15.5.11 ENFORCEABILITY OF PERMITS AND ADMINISTRATIVE ORDERS: A person who conducts an activity pursuant to a permit, administrative order or other

written authorization or approval from the division shall comply with every term, condition and provision of the permit, administrative order, authorization or approval. [19.15.5.11 NMAC - Rp, 19.15.1.41 NMAC, 12/1/2008]

Supplemental Conditions

9. Add another well directly between proposed wells TMW-36 and TMW 40.

10. Shut in the produced water flow lines within seven days of the Commission's order and pressure test or hydrostatic test all produced water lines in the area within 30 days. Report any deficiencies to the OCD within 24hrs in accordance with 19.15.29 NMAC.

11. Perform new water sampling within 30 days and report them to the OCD through OCD permitting within 30 days of the sampling date. All samples are required to be expedited to the highest priority utilizing the fastest available method for approved laboratory testing. Sample all wells for the 20.6.2.3103 NMAC constituents that have observed exceedances, were not analyzed, or had detection limits above the regulatory limits.
 - a. TMW-17=
 - i. Cyanide, chloride, total phenols, sulfate, TDS, and boron returned results above the regulatory limits
 - ii. Ethylene dibromide (EDB) or 1,2-Dibromoethane returned laboratory results of <0.000999 mg/L which is above the regulatory limit of 0.00005 mg/L.
 - iii. Pentachlorophenol and atrazine as they were not analyzed in November 2024.

12. Within 30 days of drilling wells 1a through 1n Apache shall complete and sample the wells.
 - a. If the additional monitoring wells prescribed (1a-1n) do not fully delineate the extent of contamination or identify key groundwater flow characteristics, Apache Corporation must submit a contingency plan for the installation of further monitoring wells. The contingency plan must include proposed locations, depths, and rationale for the additional wells. This plan must be submitted within 45 days after completing the initial monitoring well sampling.

- b. Within 45 days of the sampling Apache shall provide a plan to continue delineation as necessary and shall plan on setting recovery wells at a minimum within the areas of TMW-5, TMW-14, TMW-15 TMW-17, TMW-18 and at down gradient points not to exceed 300ft apart unless greater water draw can be proven across the southern extents of the contamination.
 - c. Additional recovery wells should be set within any areas discovered with over 3,000mg/L chloride contaminated groundwater.
13. Determine a path forward to investigate the source of the groundwater mounding at TMW-4 and TMW-14. This plan must be approved by the OCD prior to implementation. Once OCD has approved the plan, the plan must be implemented within 30 days.
14. Conduct an investigation of the playa to evaluate potential ongoing groundwater degradation. Provide results and recommendations to OCD for approval before further action.
15. OCD will update the status of incident number NDHR1922141227 from *Incident Closure Approved to Remediation Plan Approved, Pending Remediation Closure Report from Operator* in order to accurately reflect the current status of the incident. Additionally, notes will be added to the *Incident Events* section of the incident page stating, "Incident status has been updated due to remediation closure of the soil contamination was approved August 27, 2021, but a groundwater contamination investigation is ongoing."