

From: [LucasKamat, Susan, EMNRD](#)
To: [Liz Klein](#)
Subject: Approval with Conditions, Seely Recycling Containment and Facility (1RF-10), Avian Deterrence System Variance Request, Section 30. T18S, R34E (Lea County, NM)
Date: Wednesday, June 3, 2020 10:33:00 AM

Ms. Klein,

The New Mexico Oil Conservation Division (OCD) has reviewed the recycling facility and containment variance request and related documents, submitted by 3 Bear Field Services (3Bear) (OGRID # 320495) on May 6, 2020, for the installation of an avian deterrence system at the Seely Recycling Containment and Facility (1RF-10) in Lea County, New Mexico.

3Bear requested variances from 19.15.34 NMAC for the Seely Recycling Containment and Facility related to 19.15.34.13 (E) wildlife netting requirements. The following variances have been approved.

- The variance to 19.15.34.13 (E) NMAC for the installation of an audible avian deterrence system, a Bird-X Mega-Blaster, is approved.

The Form C-147 form and supporting documents submitted for the variance request for the Seely Recycling Containment and Facility is approved with the following conditions of approval:

- The Seely Recycling Containment and Facility (2RF-10) registration/permit expires on August 8, 2021, which is five (5) years after the initial permit submittal to OCD. If 3Bear wishes to extend operations past five (5) years, an annual permit extension request must be submitted using a form C-147 via email to OCD.Enviro@state.nm.us by July 8, 2021.
- 3Bear will operate, maintain, close, and reclaim the Seely Recycling Containment and Facility (2RF-10) in compliance with 19.15.34 NMAC, including, but not limited to, the performance of weekly inspections regardless of fluid levels in the containment; recording of detailed inspection reports; removal of debris, foreign objects and oil from the containment; and monthly reporting of recycling and reuse of produced water, drilling fluids, and liquid oil field waste via from C-148. (C-148s are available for download at the OCD website at <http://www.emnrd.state.nm.us/OCD/forms.html>.)
- 3Bear will notify OCD when recycling operations at the Seely Recycling Containment and Facility (2RF-10).
- A minimum of 3-feet freeboard must be maintained in the recycling containment at all times during operations.
- At the time of initial permitting, the calculations for the operational total fluid capacity of the containment was provided (Site Grading Plan and General Notes Seely Containment Sheet CS-101). The operational fluid capacity is the total volume of the containment, minus the volume not utilized due to the freeboard. The Seely Containment is permitted for a total fluid capacity of 320,000 bbls.
- If less than 20% of the total fluid capacity is utilized every six months, beginning from

the first withdraw, 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 to OCD.Enviro@state.nm.us.

- 3Bear will comply with 19.15.29 NMAC Releases in the event of any release of produced water or produced water or other oil field wastes at P Seely Recycling Containment and Facility 2RF-10. 3Bear will comply with all other OCD rules.
- 3Bear must perform weekly inspections of the containment and leak detection system, regardless of fluid levels in the containment.

The facility has been assigned OCD Administrative Order number 1RF-10. Please reference this permit number in all future communications, modifications, and notices related to the Seely Recycling Containment and Facility and for monthly reporting of recycling and reuse of produced water, drilling fluids, and liquid oil field waste. A copy of the approved C-147 variance request with conditions for 1RF-10 will be uploaded to the OCD Imaging system at <http://ocdimage.emnrd.state.nm.us/imaging//AEOrderFileView.aspx?appNo=pTO1631546418> within 24 hours.

Notifications of the installation of the avian deterrence system should be emailed to the OCD Environmental Bureau (OCD.Enviro@state.nm.us) with a cc to OCD District Manager Mike Bratcher (mike.bratcher@state.nm.us).

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-10 electronic file on OCD Imaging referenced above.

Thank you for your assistance and cooperation on this matter.

Please do not hesitate to contact me if you have further questions or concerns.

Regards,

Susan A. Lucas Kamat

Environmental Scientist

Oil Conservation Division

Energy, Minerals, and Natural Resources Department

5200 Oakland Avenue, Suite 100

Albuquerque, New Mexico 87113

(505) 670-8745

Susan.LucasKamat@state.nm.us

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

State of New Mexico
Energy Minerals and Natural Resources
Department
Oil Conservation Division
1220 South St. Francis Dr.
Santa Fe, NM 87505

Form C-147
Revised April 3, 2017

Recycling Facility and/or Recycling Containment

Type of Facility: ☒ Recycling Facility ☒ Recycling Containment*
Type of action: ☐ Permit ☐ Registration
☐ Modification ☐ Extension
☐ Closure ☒ Other (explain) Request for a Variance

* At the time C-147 is submitted to the division for a Recycling Containment, a copy shall be provided to the surface owner.

Be advised that approval of this request does not relieve the operator of liability should operations result in pollution of surface water, ground water or the environment. Nor does approval relieve the operator of its responsibility to comply with any other applicable governmental authority's rules, regulations or ordinances.

1.
Operator: 3 Bear Field Services, LLC (For multiple operators attach page with information) OGRID #: 320495
Address: 1512 Larimer St, Suite 540, Denver, Co 80202
Facility or well name (include API# if associated with a well): Sealy Containment and Recycle Facility
OCD Permit Number: 1RF-10-0 (For new facilities the permit number will be assigned by the district office)
U/L or Qtr/Qtr Section 30 Township 18S Range 34E County: Lea
Surface Owner: ☒ Federal ☐ State ☐ Private ☐ Tribal Trust or Indian Allotment

2.
☒ **Recycling Facility:**
Location of recycling facility (if applicable): Latitude 32.716429 Longitude -103.607521 NAD83
Proposed Use: ☒ Drilling* ☒ Completion* ☒ Production* ☒ Plugging*
**The re-use of produced water may NOT be used until fresh water zones are cased and cemented*
☐ Other, requires permit for other uses. Describe use, process, testing, volume of produced water and ensure there will be no adverse impact on groundwater or surface water.
☒ Fluid Storage
☒ Above ground tanks ☒ Recycling containment ☐ Activity permitted under 19.15.17 NMAC explain type
☐ Activity permitted under 19.15.36 NMAC explain type: ☐ Other explain
☐ For multiple or additional recycling containments, attach design and location information of each containment
☐ **Closure Report (required within 60 days of closure completion):** ☐ Recycling Facility Closure Completion Date:

3.
☒ **Recycling Containment:** Seely Containment
☐ Annual Extension after initial 5 years (attach summary of monthly leak detection inspections for previous year)
Center of Recycling Containment (if applicable): Latitude Longitude NAD83
☐ For multiple or additional recycling containments, attach design and location information of each containment
☒ Lined ☒ Liner type: Thickness 60 HDPE mil ☒ LLDPE ☒ HDPE ☐ PVC ☐ Other
☒ String-Reinforced Or 60-mil HDPE primary and 40-mil HDPE Secondary
Liner Seams: ☒ Welded ☒ Factory ☒ Other Field welds Volume: 400,200+ bbl Dimensions: L 366 x W 366 x D 18.3 at sump
☐ Recycling Containment Closure Completion Date:

4.

Bonding:

- ☒ Covered under bonding pursuant to 19.15.8 NMAC per 19.15.34.15(A)(2) NMAC (These containments are limited to only the wells owned or operated by the owners of the containment.)
- ☒ Bonding in accordance with 19.15.34.15(A)(1). Amount of bond \$ \$792,290 (work on these facilities cannot commence until bonding amounts are approved)
- ☐ Attach closure cost estimate and documentation on how the closure cost was calculated.

5.

Fencing:

- ☒ Four foot height, four strands of barbed wire evenly spaced between one and four feet
- ☒ Alternate. Please specify please see original permit

6.

Signs:

- ☒ 12"x 24", 2" lettering, providing Operator's name, site location, and emergency telephone numbers
- ☐ Signed in compliance with 19.15.16.8 NMAC

7.

Variances:

Justifications and/or demonstrations that the proposed variance will afford reasonable protection against contamination of fresh water, human health, and the environment.

Check the below box only if a variance is requested:

- ☒ Variance(s): Requests must be submitted to the appropriate division district for consideration of approval. If a Variance is requested, include the variance information on a separate page and attach it to the C-147 as part of the application.

If a Variance is requested, it must be approved prior to implementation.

See attached.

8.

Siting Criteria for Recycling Containment

Instructions: The applicant must provide attachments that demonstrate compliance for each siting criteria below as part of the application. Potential examples of the siting attachment source material are provided below under each criteria.

General siting

Ground water is less than 50 feet below the bottom of the Recycling Containment.

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.

☐ Yes ☒ No
☐ NA

- Written confirmation or verification from the municipality; written approval obtained from the municipality

Within the area overlying a subsurface mine.

☐ Yes ☒ No

- Written confirmation or verification or map from the NM EMNRD-Mining and Minerals Division

Within an unstable area.

☐ Yes ☒ No

- Engineering measures incorporated into the design; NM Bureau of Geology & Mineral Resources; USGS; NM Geological Society; topographic map

Within a 100-year floodplain. FEMA map

☐ Yes ☒ No

Within 300 feet of a continuously flowing watercourse, or 200 feet of any other significant watercourse, or lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark).

☐ Yes ☒ No

- Topographic map; visual inspection (certification) of the proposed site

Within 1000 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application.

☐ Yes ☒ No

- Visual inspection (certification) of the proposed site; aerial photo; satellite image

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

Within 500 feet of a wetland.

☐ Yes ☒ No

- US Fish and Wildlife Wetland Identification map; topographic map; visual inspection (certification) of the proposed site

9.

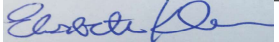
Recycling Facility and/or Containment Checklist:

Instructions: Each of the following items must be attached to the application. Indicate, by a check mark in the box, that the documents are attached.

- ☐ Design Plan - based upon the appropriate requirements.
☐ Operating and Maintenance Plan - based upon the appropriate requirements.
☐ Closure Plan - based upon the appropriate requirements.
☐ Site Specific Groundwater Data -
☐ Siting Criteria Compliance Demonstrations –
☐ **Certify that notice of the C-147 (only) has been sent to the surface owner(s)**

10. **Operator Application Certification:**

I hereby certify that the information and attachments submitted with this application are true, accurate and complete to the best of my knowledge and belief.

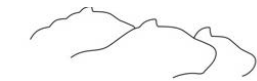
Name (Print): Elisabeth Klein Title: Director, EHS Regulatory
 Signature:  Date: 5/5/2020
 e-mail address: lklein@3bearllc.com Telephone: 303-882-4404

11.

OCD Representative Signature:  Approval Date: 2 June 2020

Title: Environmental Scientist OCD Permit Number: 1RF-10

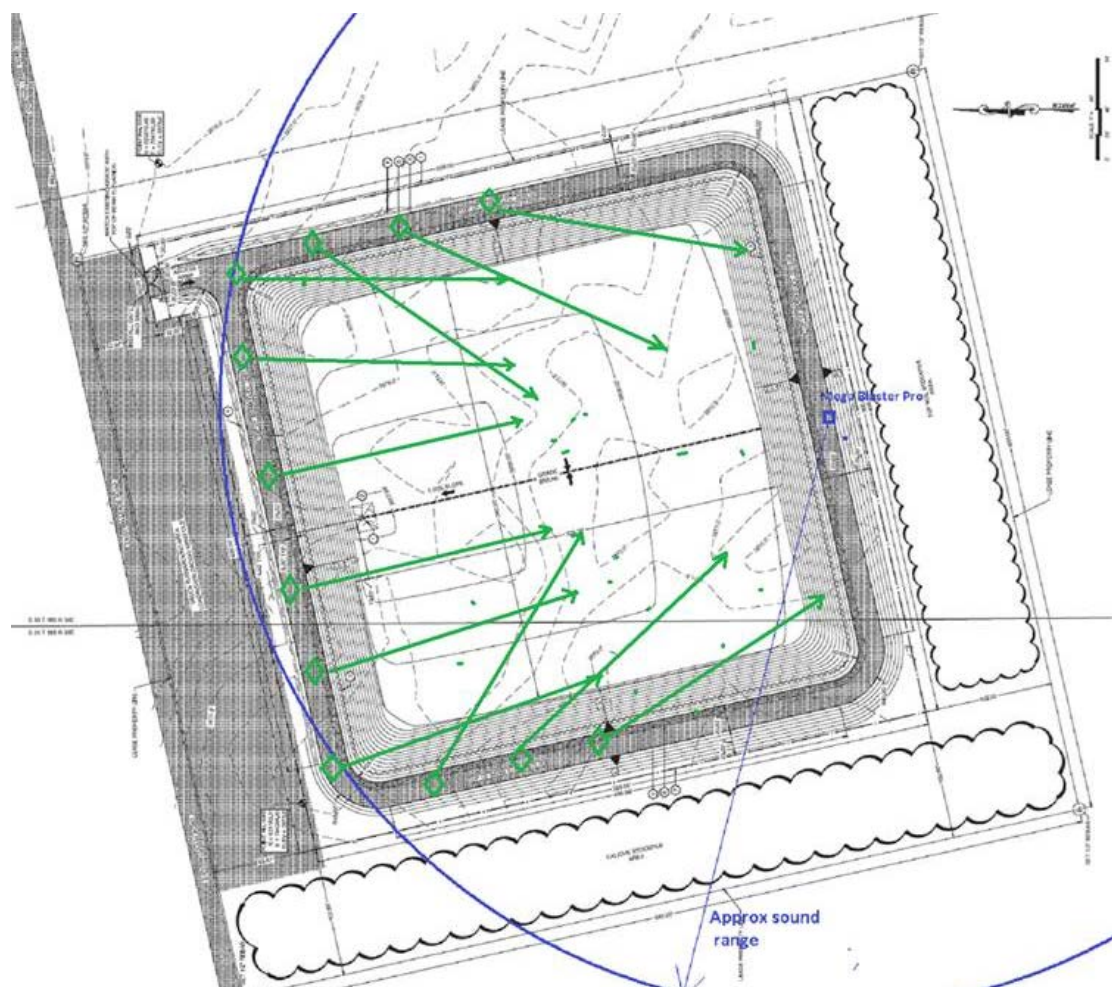
- ☐ OCD Conditions
☒ Additional OCD Conditions on Attachment

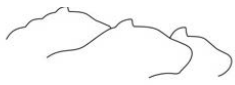


3BEAR FIELD SERVICES, LLC

**3Bear Field Service - Variance Request
OCD Permit: 1RF-10-0
C-147 Sealy Containment Pond and Recycling Facility**

3 Bear Field Services, LLC requests a variance to the existing OCD Permit Number 10RF-10-0. The variance is to install a Bird-X deterrent system. The netting that was installed as part of the permit application/C-147 was completely torn off during a high wind event. We are requesting a variance to install a Bird-X bird deterrent system instead of replacing the netting. We are requesting this variance due to the high winds in the area and believe the deterrent system will be a more reliable bird deterrent system. The system is designed by Bird-X, Inc. The site map below shows the proposed installation details. Also attached is the deterrent system information and setup guidelines.



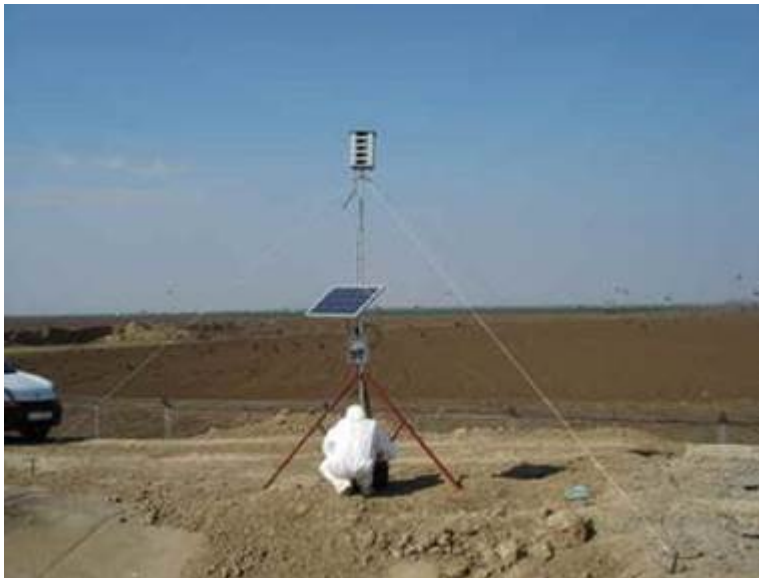


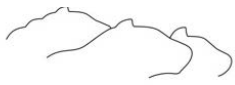
3BEAR FIELD SERVICES, LLC

**3Bear Field Service - Variance Request
OCD Permit: 1RF-10-0
C-147 Sealy Containment Pond and Recycling Facility**

Following is more information about each deterrent and general setup guidelines:

Mega Blaster Pro – sonic sound deterrent. Fully programmable, features a variety of deterrent sounds including species-specific bird distress cries, predator bird calls and digitally produced harassment noises. Replaceable sound chip with a full library of sounds to prevent acclimation to any sounds. Powered by 12v battery and the unit includes a 40W solar panel for keeping the battery charged. **One of these units per pond/pit; sound chip includes eight (8) predator bird sounds and digital harassment sounds. Use 2-4 sounds at a time, and then alternate to 2-4 other sounds once a month.**



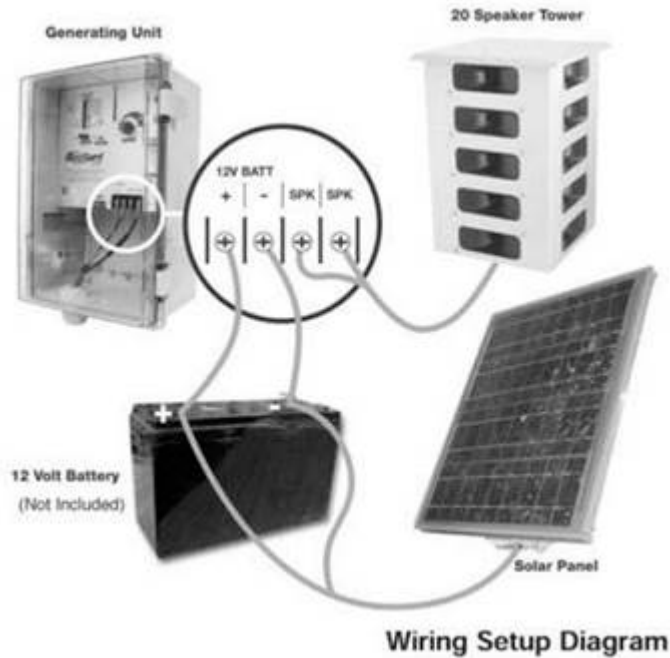


3Bear Field Service - Variance Request

OCD Permit: 1RF-10-0

C-147 Sealy Containment Pond and Recycling Facility

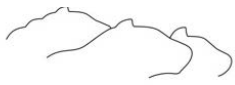
The Mega Blaster Pro is typically powered with 12v Marine battery and solar panel setup. Following is a basic diagram of the “off the grid” setup:



Items included will be:

- Mega Blaster Pro Control Box
- Sound Recording Card
- 20 Speaker Tower
- Control Box Mounting U-Bolts
- Control Box Brackets
- Control Box Connector Cable
- 40w solar panel
- Battery box

Items needed but not included:



3BEAR FIELD SERVICES, LLC

3Bear Field Service - Variance Request

OCD Permit: 1RF-10-0

C-147 Sealy Containment Pond and Recycling Facility

- 1) **Mounting Pole or Mast** tall enough to raise the 20-Speaker Tower at least 6 feet above the ground level or above obstructions, the mounting pole will fit into the included tripod. Following are links to some typical mounting poles that our customers would order:

Here is what you would need for the pole at Home Depot online:

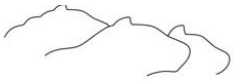
<http://www.homedepot.com/p/Allied-Tube-Conduit-1-in-EMT-Conduit-101568/100400409>

- 2) **12-volt Deep Cycle Battery** (RV/Marine) Group 27 or larger wet cell
- 3) **Tripod – something like this:** http://www.amazon.com/gp/offer-listing/B001DFZ5J2/ref=dp_olp_new_mbc?ie=UTF8&condition=new

- **Bird-X Laser for Outdoors**

With a range of up to 12,000 square feet, the unrelenting red and green lasers of the Bird-X Laser for Outdoors will irritate and alarm birds, bats, and small mammal pest species without traps or chemicals. Powerful Class 3R “fat beam” laser diodes create multiple random patterns that prevent birds from acclimating and keeps them away.





3Bear Field Service - Variance Request

OCD Permit: 1RF-10-0

C-147 Sealy Containment Pond and Recycling Facility

The Lasers should be mounted 4-6 feet above the ground. They emit a cone shaped array of multiple red and green laser beams that gets wider as it goes away from the unit. There is a “gate” on the front of the unit where the lasers emanate that you can adjust to narrow or widen the coverage pattern of the laser beams. You will aim the lasers and adjust the “gate” so that beam coverage area travels parallel to the ground or water surface, aimed slightly downward so that the top of the array of beams terminate into the ground or water. This will allow you to cover as much area as possible without the beams straying beyond the area we are trying to protect. You could mount the units on a pole or some other structure that elevates it off the ground a little. The unit comes with a mounting piece that you could bolt to a pole or other surface.