

2RF-161 - Facility  
Number  
fVV2113850290

MYOX AST  
C-147/Conditions of  
Approval

[371643] SOLARIS WATER  
MIDSTREAM, LLC

May 20, 2021

**Venegas, Victoria, EMNRD**

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**From:** Venegas, Victoria, EMNRD  
**Sent:** Thursday, May 20, 2021 11:08 AM  
**To:** 'Teena Robbins'; Michael Incerto; LeighP.Barr, EMNRD  
**Cc:** Sanchez, Daniel J., EMNRD; r@rthicksconsult.com; Enviro, OCD, EMNRD  
**Subject:** 2RF-161 - MYOX AST - Facility Number fVV2113850290

**2RF-161 - MYOX AST - Facility Number [fVV2113850290](#).**

Ms. Robbins,

NMOCD has reviewed the recycling containment permit application and related documents, submitted by [371643] SOLARIS WATER MIDSTREAM, LLC on submitted June 28, 2019 and resubmitted via OCD.online on May 17, 2021 for the proposed Myox Above-Ground Storage Tank in Unit Letter K, Section 32, Township 25S, Range 28E, Eddy County, New Mexico. The application has been assigned the OCD Administrative Order number 2RF-161 - MYOX AST - Facility Number [fVV2113850290](#).

The following variances from 19.15.34 NMAC for the 2RF-161 - MYOX AST - Facility Number [fVV2113850290](#) related to 19.15.34. NMAC 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.
- 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.
- The variance to 19.15.34.12 A (4) NMAC for the installation on the AST containment of a 40-mil non-reinforced LLDPE primary liner and a 40-mil non-reinforced LLDPE secondary liner with a 200-mil geogrid drainage layer is approved.

The form C-147 and related documents for 2RF-161 - MYOX AST - Facility Number [fVV2113850290](#) is approved with the following conditions of approval:

- [371643] SOLARIS WATER MIDSTREAM, LLC shall construct, operate, maintain, close, and reclaim the 2RF-161 - MYOX AST - Facility Number [fVV2113850290](#) in compliance with 19.15.34 NMAC.
- The 2RF-161 - MYOX AST - Facility Number [fVV2113850290](#) is approved for five years of operation from the date of permit application. 2RF-161 - MYOX AST - Facility Number [fVV2113850290](#) permit expires on June 28, 2024. If [371643] SOLARIS WATER MIDSTREAM, LLC wishes to extend operations past five years, an annual permit extension request must be submitted using an OCD form C-147 through the OCD Online system by May 28, 2024.
- [371643] SOLARIS WATER MIDSTREAM cannot receive produced water in the 2RF-161 - MYOX AST - Facility Number [fVV2113850290](#) 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. The total closure cost estimate for 2RF-161 - MYOX AST - Facility Number [fVV2113850290](#) consisting of one (1) AST in Unit Letter K, Section 32, Township 25S, Range 28E, Eddy County, New Mexico in the amount of \$ 49,500, satisfies the requirements of NMAC 19.15.34.15.A.(1).
- 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.
- A minimum of 3-feet freeboard must be maintained in the AST recycling containment, at all times during operations.

- 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](mailto: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 [OCD Online](#).
- [371643] SOLARIS WATER MIDSTREAM, LLC shall submit monthly reports of recycling and reuse of produced water drilling fluids, and liquid oil field waste on OCD form C-148 through [OCD Online](#) even if there is zero activity.
- [371643] SOLARIS WATER MIDSTREAM, LLC shall comply with 19.15.29 NMAC Releases in the event of any release of produced water or other oil field wastes at 2RF-161 - MYOX AST - Facility Number [fVV2113850290](#)

Please reference number 2RF-161 - MYOX AST - Facility Number [fVV2113850290](#) in all future communications.

Regards,

**Victoria Venegas** • Environmental Specialist

Environmental Bureau

EMNRD - Oil Conservation Division

811S. First St. | Artesia, NM 88210

(575) 909-0269 | [Victoria.Venegas@state.nm.us](mailto:Victoria.Venegas@state.nm.us)

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



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) \_\_\_\_\_

\* 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: Solaris Water Midstream, LLC (For multiple operators attach page with information) OGRID #: 371643  
Address: 9811 Katy Freeway, Suite 900, Houston, Texas 77024  
Facility or well name (include API# if associated with a well): Myox AST  
OCD Permit Number: 2RF-161 FVV2113850290. (For new facilities the permit number will be assigned by the district office)  
U/L or Qtr/Qtr NE 1/4 of SE1/4 Section 32 Township 25S Range 28E County: Eddy  
Surface Owner:  Federal  State  Private  Tribal Trust or Indian Allotment

2.  
 **Recycling Facility:**  
Location of recycling facility (if applicable): Latitude 32.1218301 Longitude -104.0707176 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:**  
 Annual Extension after initial 5 years (attach summary of monthly leak detection inspections for previous year)  
Center of Recycling Containment (if applicable): Latitude 32.084813 Longitude -104.113231 NAD83  
 For multiple or additional recycling containments, attach design and location information of each containment  
 Lined  Liner type: Thickness 40 mil  LLDPE  HDPE  PVC  Other white smooth  
 String-Reinforced (primary)  
Liner Seams:  Welded  Factory  Other \_\_\_\_\_ Volume: \_\_\_\_\_ bbl Dimensions: L \_\_\_\_\_ x W \_\_\_\_\_ x D 12 ft  
 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 \$ \_\_\_\_\_ (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 \_\_\_\_\_

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.**

**ALL CONSTRUCTION AND OPERATION VARIANCES HAVE BEEN PREVIOUSLY APPROVED BY OCD.**

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.*

<b>General siting</b>		
<b>Ground water is less than 50 feet below the bottom of the Recycling Containment.</b>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells (FIGURE 1)		<input type="checkbox"/> 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. (FIGURE 3)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
- Written confirmation or verification from the municipality; written approval obtained from the municipality		<input type="checkbox"/> NA
Within the area overlying a subsurface mine.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
- Written confirmation or verification or map from the NM EMNRD-Mining and Minerals Division (FIGURE 4)		
Within an unstable area.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
- Engineering measures incorporated into the design; NM Bureau of Geology & Mineral Resources; USGS; NM Geological Society; topographic map (FIGURE 5)		
	(FIGURE 6)	
Within a 100-year floodplain. FEMA map		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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).		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
- Topographic map; visual inspection (certification) of the proposed site (FIGURE 7)		
	(FIGURE 8)	
Within 1000 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
- Visual inspection (certification) of the proposed site; aerial photo; satellite image (FIGURE 8)		
	(FIGURE 8)	
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.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
- NM Office of the State Engineer - iWATERS database search; visual inspection (certification) of the proposed site (FIGURES 1 & 2)		
	(FIGURE 9)	
Within 500 feet of a wetland.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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): Bradley Todd Carpenter Title: Operations Manager  
 Signature: *Bradley Todd Carpenter* Date: June 24, 2019  
 e-mail address Todd Carpenter <todd.carpenter@solarismidstream.com> Telephone: 432 203 9020

11. OCD Representative Signature: *Victoria Venegas* Approval Date: 05/20/2021

Title: Environmental Specialist OCD Permit Number: 2RF-161

- OCD Conditions Facility Number fVV2113850290.
- Additional OCD Conditions on Attachment

## Venegas, Victoria, EMNRD

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**From:** Venegas, Victoria, EMNRD  
**Sent:** Tuesday, April 13, 2021 8:15 AM  
**To:** Michael Incerto; Teena Robbins; Griswold, Jim, EMNRD; Hernandez, Emily, EMNRD  
**Cc:** r@rthicksconsult.com  
**Subject:** Landes Recycling Containment & Myox AST.

Mr. Incerto,

The OCD is currently reviewing the following applications submitted by Solaris:

1. **Landes Recycling Containment and Recycling Facility** – Submitted January 2019 & resubmitted via OCD.online on March 05, 2021.
  - o Location: Section 22, T25S, R28E, Eddy County.
2. **Myox Above Ground Storage Tank** – Submitted June 2019 & resubmitted via OCD.online on March 05, 2021.
  - o Location: Section 32, T25S, R28E, Eddy County.

The Landes Recycling Containment and Recycling Facility and the Myox Above Ground Storage Tank are two separate and distinct facilities in two different locations and will be given separate permit numbers. However, based on OCD records, Solaris has provided financial assurance for both facilities under a single bond. The OCD will move forward and accept a single bond for both facilities, if and only if a separate closure cost estimate for each facility is provided to the OCD by April 30, 2021.

Please let me know if you have any questions.

Thank you,

**Victoria Venegas** • Environmental Specialist

Environmental Bureau

EMNRD - Oil Conservation Division

811S. First St. | Artesia, NM 88210

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**District III**  
 1000 Rio Brazos Rd., Aztec, NM 87410  
 Phone:(505) 334-6178 Fax:(505) 334-6170

**District IV**  
 1220 S. St Francis Dr., Santa Fe, NM 87505  
 Phone:(505) 476-3470 Fax:(505) 476-3462

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

CONDITIONS

Action 29306

**CONDITIONS OF APPROVAL**

Operator: SOLARIS WATER MIDSTREAM, LLC			907 Tradewinds Blvd, Suite B	Midland, TX79706	OGRID: 371643	Action Number: 29306	Action Type: C-147L
OCD Reviewer					Condition		
vvenegas					None		