

**LucasKamat, Susan, EMNRD**

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**From:** LucasKamat, Susan, EMNRD  
**Sent:** Wednesday, December 11, 2019 1:19 PM  
**To:** 'Stephanie\_Rabadue@xtoenergy.com'  
**Cc:** Billings, Bradford, EMNRD; Bratcher, Mike, EMNRD; Griswold, Jim, EMNRD  
**Subject:** BOPCO, LP/XTO Energy, BEU DI 5 Recycling Containment Facility (2RF-145), Section 27. T20S, R31E / Eddy County, NM

Dear Ms. Rabadue:

The New Mexico Oil Conservation Division (NM OCD) has reviewed the submitted Form C-147 and related documents, dated September 2018 and December 2019, for the proposed BEU D1 5 Recycling Containment Facility in Eddy County New Mexico. The Form C-147 form submitted for registering and permitting the BEU D1 5 Recycling Containment Facility is accepted/approved. The facility has been assigned NM OCD Admin Order number 2RF-145. Please reference this number in all future communications regarding BEU DI 5 Recycling Containment Facility and for future monthly reporting of recycling and reuse of produced water, drilling fluids and liquid oil field waste. A copy of the approved C-147 form is available through the OCD Imaging system at

<http://ocdimage.emnrd.state.nm.us/Imaging/AEOrderFileView.aspx?appNo=pSL1934533303>.

Please note, the initial packet for permit was supplied by and for BOPCO. It is understood by OCD that XTO Permian Operating LLC (XTO) (OGRID # 373075) now has ownership of said permit/location, etc., and that water reuse is limited to wells owned/operated by XTO.

XTO requested variances from 19.15.34.12 related to 19.15.34.12 A (4) liner requirements, 19.15.34.12 D (2) fencing requirements, and 19.15.34.12 E netting requirements. These variances are approved as requested in the submittal.

As a condition of approval, XTO agrees to construct, operate, maintain, and close the BEU DI 5 Recycling Containment Facility in compliance with 19.15.34 NMAC and submit monthly usage reports via Form C-148. (C-148s are available for download at the OCD website at <http://www.emnrd.state.nm.us/OCD/forms.html>). Please be advised that a minimum of 3-feet freeboard must be maintained at all times during the operation of the recycling containment. Thank you for your assistance and cooperation on this matter.

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 2RF-145 electronic file on OCD Imaging referenced above.

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

Regards,  
Susan

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OCD approval does not relieve the operator of liability should their operations fail to adequately investigate and remediate contamination that may pose a threat to ground water, surface water, human health or the environment. In addition, OCD approval does not relieve the operator of responsibility for compliance with any other federal, state, local laws and/or regulations.