

**2RF-173 -  
GRAVITAS AST  
CONTAINMENT  
FACILITY ID  
[fVV2212248165]  
C-147/Variance**

**[371643] SOLARIS WATER  
MIDSTREAM, LLC  
Jun 14, 2022**

## Statement Explaining Why the Applicant Seeks a Variance

The prescriptive mandates of the Rule that are the subject of this variance request are presented below with **emphasis added**:

### D. Fencing.

(1) The operator shall **fence or enclose** a recycling containment **in a manner that deters unauthorized wildlife and human access** and shall maintain the fences in good repair. The operator shall ensure that all **gates associated with the fence are closed and locked** when responsible personnel are not onsite.

(2) Recycling containments shall be fenced with a four foot fence that has at least four strands of barbed wire evenly spaced in the interval between one foot and four feet above ground level.

E. Netting. The operator shall ensure that **a recycling containment is screened, netted or otherwise protective of wildlife, including migratory birds**. The operator shall on a monthly basis inspect for and, within 30 days of discovery, report the discovery of dead migratory birds or other wildlife to the appropriate wildlife agency and to the division district office in order to facilitate assessment and implementation of measures to prevent incidents from reoccurring.

The subject AST employs netting or sonic bird hazing (Mega Bird X with bird calls specific to the Permian Basin). These methods effectively protect avian species such as waterfowl and bats. OCD and BLM have approved both methods per Rule 34 and by BLM Rules respectively.

The steel structure of the AST is 11-feet high, which obviously encloses the containment “in a manner that deters...[terrestrial] wildlife.” Thus, the steel structure meets the mandate of the Rule for enclosure. Thus, netting and the steel structure meet the mandate of Rule 34 for deterring/protecting avian and terrestrial wildlife.

Because AST Containments have a steel stairway between ground surface and the open top, the operator proposes the following deterrent to unauthorized human access:

1. Install gate (e.g. <https://www.saferack.com/product/industrial-safety-gates/safety-swing-gates/>) or chain across the stairway
2. Place an appropriate sign on the gate or chain to help deter unauthorized human access to the open top of the containment
3. Provide for a mechanism to lock the gate when responsible personnel are not onsite.

## Demonstration That the Variance Will Provide Equal or Better Protection of Fresh Water, Public Health and the Environment

We believe the proposed protocol provides equal protection of Public Health as a 4-strand barbed wire fence.

## Venegas, Victoria, EMNRD

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**From:** Venegas, Victoria, EMNRD  
**Sent:** Tuesday, June 14, 2022 11:35 AM  
**To:** Michael Incerto; 'Michael Incerto'; 'Todd Carpenter'  
**Cc:** r@rthicksconsult.com; 'Teena Robbins'  
**Subject:** 2RF-173 - GRAVITAS AST CONTAINMENT FACILITY ID [fVV2212248165]

### 2RF-173 - GRAVITAS AST CONTAINMENT FACILITY ID [fVV2212248165]

Good morning,

NMOCD has reviewed the application submitted by [371643] SOLARIS WATER MIDSTREAM LLC on 5/19/2022, for 2RF-173 - GRAVITAS AST CONTAINMENT FACILITY ID [fVV2212248165] in Unit Letter N, Section 02, Township 26S, Range 27E, Eddy County, New Mexico.

[371643] SOLARIS WATER MIDSTREAM LLC requested a variance from 19.15.34 NMAC for 2RF-173 - GRAVITAS AST CONTAINMENT FACILITY ID [fVV2212248165] related to 19.15.34. NMAC

The following variance have been approved:

- The variance to 19.15.34.12.D NMAC to install a gate or chain across the stairway between the ground surface and the open-top of the AST containment. The operator shall place an appropriate sign on the gate or chain to help prevent unauthorized human access to the open top of the containment and will provide a mechanism to lock the gate when responsible personnel is not onsite is approved.

Please reference number 2RF-173 - GRAVITAS AST CONTAINMENT FACILITY ID [fVV2212248165] in all future communications.

Regards,

**Victoria Venegas** • Environmental Specialist

Environmental Bureau

EMNRD - Oil Conservation Division

(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 **VV 05/04/2022**  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 Midstream LLC OGRID #: 371643  
Address: 9811 Katy Freeway, Suite 900, Houston, TX, 77024  
Facility or well name (include API# if associated with a well): Gravitas AST Containment  
OCD Permit Number: 2RF-173 - FACILITY ID (For new facilities the permit number will be assigned by the district office)  
U/L or Qtr/Qtr: [FVV2212248165] Section: 2 Township: 26S Range: 27E County: Eddy  
Surface Owner:  Federal  State  Private  Tribal Trust or Indian Allotment

2.  
 **Recycling Facility:**  
Location of (if applicable): Latitude: 32.0666862 N Longitude: 104.1649229 W approximately (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: 32.0666862 N Longitude: 104.1649229 W approx. (NAD83)  
 For multiple or additional recycling containments, attach design and location information of each containment  
 Lined  Liner type: Thickness See Attached Engineer Drawings  LLDPE  HDPE  PVC  Other \_\_\_\_\_  
 String-Reinforced  
Liner Seams:  Welded  Factory  Other Volume: 40,000 bbls See Attachment Drawings and Plans Dimensions \_\_\_\_\_  
 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 \$ \_32,500.00\_ (work on these facilities cannot commence until bonding amounts are approved)

Attach closure cost estimate and documentation on how the closure cost was calculated. (See Transmittal Letter)

5.

**Fencing:**

Four-foot height, four strands of barbed wire evenly spaced between one and four feet

Alternate. Please specify: Secure Gate for Access Stairway

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.**

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><u>General siting</u></b>	
<b><u>Ground water is less than 50 feet below the bottom of the Recycling Containment.</u></b> NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells <b>FIGURES 1-2</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <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. - Written confirmation or verification from the municipality; written approval obtained from the municipality <b>FIGURE 3</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Within the area overlying a subsurface mine. - Written confirmation or verification or map from the NM EMNRD-Mining and Minerals Division <b>FIGURE 4</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within an unstable area. - Engineering measures incorporated into the design; NM Bureau of Geology & Mineral Resources; USGS; NM Geological Society; topographic map <b>FIGURE 5</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within a 100-year floodplain. FEMA map <b>FIGURE 6</b>	<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). - Topographic map; visual inspection (certification) of the proposed site <b>FIGURE 7</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within 1000 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application. - Visual inspection (certification) of the proposed site; aerial photo; satellite image <b>FIGURE 8</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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. <b>FIGURES 1 and 7</b> - NM Office of the State Engineer - iWATERS database search; visual inspection (certification) of the proposed site	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within 500 feet of a wetland. <b>FIGURE 9</b> - US Fish and Wildlife Wetland Identification map; topographic map; visual inspection (certification) of the proposed site	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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: Todd Carpenter Date: 4/12/2022  
 e-mail address todd.carpenter@solarismidstream.com Telephone: 432-413-0918

11.

OCD Representative Signature: Victoria Venegas Approval Date: 05/04/2022  
 Title: Environmental Specialist OCD Permit Number: 2RF-173 - FACILITY ID  
[fVV2212248165]  
 OCD Conditions  
 Additional OCD Conditions on Attachment

**District I**  
 1625 N. French Dr., Hobbs, NM 88240  
 Phone:(575) 393-6161 Fax:(575) 393-0720  
**District II**  
 811 S. First St., Artesia, NM 88210  
 Phone:(575) 748-1283 Fax:(575) 748-9720  
**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 108713

**CONDITIONS**

Operator: SOLARIS WATER MIDSTREAM, LLC 907 Tradewinds Blvd, Suite B Midland, TX 79706	OGRID: 371643
	Action Number: 108713
	Action Type: [C-147] Water Recycle Long (C-147L)

**CONDITIONS**

Created By	Condition	Condition Date
venegas	NMOCD has reviewed the variance request submitted by [371643] SOLARIS WATER MIDSTREAM LLC on 5/19/2022, for 2RF-173 - GRAVITAS AST CONTAINMENT FACILITY ID [rVV2212248165] in Unit Letter N, Section 02, Township 26S, Range 27E, Eddy County, New Mexico. The following variance have been approved: • The variance to NMAC 19.15.34.12.D to install a gate or chain across the stairway between the ground surface and the open-top of the AST containment. The operator shall place an appropriate sign on the gate or chain to help prevent unauthorized human access to the open top of the containment and will provide a mechanism to lock the gate when responsible personnel is not onsite.	6/14/2022