

**2RF-166 -  
MOBLEY  
CONTAINMENTS  
#1 AND #2  
FACILITY ID  
[fVV2131951088]  
C-147/Cessation of  
Operations**

**[371643] SOLARIS WATER  
MIDSTREAM, LLC  
05/17/2023**



May 12, 2023

## Statement Explaining Why the Applicant Seeks a Variance

The prescriptive mandates of the Rule that are the subject of this variance request are:

19.15.34.13.C A recycling containment shall be deemed to have ceased operations if less than 20% of the total fluid capacity is used every six months following the first withdrawal of produced water for use. The operator must report cessation of operations to the appropriate division district office. The appropriate division district office may grant an extension to this determination of cessation of operations not to exceed six months

The Mobley Containments #1 and #2 receives treated produced water via pipeline when hydraulic stimulation of oil wells occurs in the area. Thus, the use of the Mobley Containment is 100% dependent upon the drilling schedule of wells in the vicinity. The Mobley Containments received treated produced and transferred 1682537 bbls for use at the Mewbourne Forty Niner Ridge Unit 110, 111, 112, 122, 123wells. This use of the Myox Containment ceased on December, 2022.

**Mewbourne plans drill and stimulate The Forty Niner Ridge Unit 119, 120, and 121 wells sometime during Q3 or Q4 2023. While schedules can change, the Mobley Containments are essential to allowing these scheduled wells to use treated produced water in lieu of fresh water.**

Closure of the Mobley Containments to maintain compliance with Rule 34 followed by reconstruction of the containment provides no environmental or financial benefit.

Please note that the Mobley Containments have been dry for many months, therefore no leak detection monitoring is required by the Rule..



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

Prior to introduction of produced water into the containment for the next stimulation event in Q3 or Q4 of 2023, Solaris will provide OCD with

- An update regarding the anticipated start of recycling activities
- Results of an inspection of the liner system, avian hazing device, fencing, etc.
- A leak detection report 2 weeks prior to use in stimulation with the Containments filled with water. If Solaris detects leakage, the Containments will be drained and repaired prior to re-filling for use in well stimulation.

During the first three weeks after the initial test described above, Solaris will monitor the leak detection system and provide OCD with the findings via email.

We contend that these actions provide equal protection of fresh water, public health and the environment when compared to closure of the containment and rebuilding.

https://www.emnrd.nm.gov/ocd/ocd-e-permitting/

## Recycling Facility and/or Recycling Containment

Type of Facility:  Recycling Facility  Recycling Containment\*

Type of action:  Permit  Registration  
 Modification  Extension extension of cessation of operation  
 Closure  Other (explain) request from July 2023 to December 2023

\* 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. (For multiple operators attach page with information) OGRID #: 371643

Address: 9811 Katy Freeway, Suite 700, Houston TX, 77024

Facility or well name (include API# if associated with a well): Mobley Containments #1 and #2

OCD Permit Number: 2RF-166 (For new facilities the permit number will be assigned by the district office)

U/L or Qtr/Qtr C Section 19 Township 23S Range 30E County: Eddy

Surface Owner:  Federal  State  Private  Tribal Trust or Indian Allotment

2.

**Recycling Facility:**

Location of recycling facility (if applicable): Latitude 32.2962510 N Longitude -103.9242565 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 32.2968844 N Longitude -103.9242565 W 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 please see drawings

String-Reinforced

Liner Seams:  Welded  Factory  Other please see drawings Volume: \_\_\_\_\_ bbl Dimensions: L \_\_\_\_\_ x W \_\_\_\_\_ x D \_\_\_\_\_

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 Game Fence

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>	
<p><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</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> NA</p>
<p>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.</p> <p>- Written confirmation or verification from the municipality; written approval obtained from the municipality</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> NA</p>
<p>Within the area overlying a subsurface mine.</p> <p>- Written confirmation or verification or map from the NM EMNRD-Mining and Minerals Division</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Within an unstable area.</p> <p>- Engineering measures incorporated into the design; NM Bureau of Geology &amp; Mineral Resources; USGS; NM Geological Society; topographic map</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Within a 100-year floodplain. FEMA map</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>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).</p> <p>- Topographic map; visual inspection (certification) of the proposed site</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Within 1000 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application.</p> <p>- Visual inspection (certification) of the proposed site; aerial photo; satellite image</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>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.</p> <p>- NM Office of the State Engineer - iWATERS database search; visual inspection (certification) of the proposed site</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Within 500 feet of a wetland.</p> <p>- US Fish and Wildlife Wetland Identification map; topographic map; visual inspection (certification) of the proposed site</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

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): Chad Gallagher Title: Permitting Agent

Signature: *Chad Gallagher* Date: 5/12/2023

e-mail address: chad.gallagher@ariswater.com Telephone: (575)444-9786

11.

OCD Representative Signature: *Victoria Venegas* Approval Date: 05/17/2023

Title: Environmental Specialist OCD Permit Number: 2RF-166

- OCD Conditions \_\_\_\_\_
- Additional OCD Conditions on Attachment \_\_\_\_\_

2RF-166 - MOBLEY CONTAINMENTS #1 AND #2 FACILITY ID [fVV2131951088] extension of cessation of operations is approved from June 1, 2023, to December 1, 2023. **However, if after this 6-month period, the containment was not utilized at a minimum of 20% fluid capacity, no additional extensions would be granted, and the operator would be directed to remove all fluids and proceed with the closure requirements.**

Pond or AST	Date	Operator Name	Tear in Liner (Y/N)?	Break in Berms and run-on storm water (Y/N)?	Dead Wildlife (Y/N)?	Oil on fluid (Y/N)?	Detection Working (Y/N)?	Freeboard Fluid Level (ft)	Pond Level (ft)	Comments or Updates
Mobley (Large pond)	12/6/2022	Ricardo Lara	FALSE	FALSE	FALSE	FALSE	TRUE	7.00	9.00	
Mobley (Small pond)	12/6/2022	Ricardo Lara	FALSE	FALSE	FALSE	FALSE	TRUE	3.00	15.00	
Mobley (Large pond)	1/4/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	6.00	7.00	
Mobley (Small pond)	1/4/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	10.00	7.00	
Mobley (Large pond)	2/14/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	6.00	7.00	rutts from equipment
Mobley (Small pond)	2/14/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	10.00	7.00	
Mobley (Large pond)	2/26/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	6.00	7.00	
Mobley (Small pond)	2/26/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	16.00	1.00	
Mobley (Large pond)	3/2/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	6.00	7.00	
Mobley (Small pond)	3/2/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	16.00	1.00	
Mobley (Large pond)	3/9/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	6.00	7.00	
Mobley (Small pond)	3/9/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	16.00	1.00	
Mobley (Large pond)	3/24/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	6.00	7.00	
Mobley (Small pond)	3/24/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	16.00	1.00	
Mobley (Large pond)	3/31/2023	Jesus Tambunga	FALSE	FALSE	FALSE	FALSE	TRUE	9.00	7.00	
Mobley (Small pond)	3/31/2023	Jesus Tambunga	FALSE	FALSE	FALSE	FALSE	TRUE	18.00	2.00	
Mobley (Large pond)	4/7/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	9.00	7.00	
Mobley (Small pond)	4/7/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	18.00	2.00	
Mobley (Large pond)	4/14/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	9.00	7.00	
Mobley (Small pond)	4/14/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	18.00	2.00	
Mobley (Large pond)	4/21/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	9.00	7.00	
Mobley (Small pond)	4/21/2023	Bradley Webb	FALSE	FALSE	FALSE	FALSE	TRUE	18.00	2.00	
Mobley (Large pond)	4/25/2023	Jesus Tambunga	FALSE	FALSE	FALSE	FALSE	TRUE	9.00	7.00	
Mobley (Small pond)	4/25/2023	Jesus Tambunga	FALSE	FALSE	FALSE	FALSE	TRUE	18.00	2.00	
Mobley (Large pond)	5/2/2023	Jesus Tambunga	FALSE	FALSE	FALSE	FALSE	TRUE	9.00	7.00	
Mobley (Small pond)	5/2/2023	Jesus Tambunga	FALSE	FALSE	FALSE	FALSE	TRUE	18.00	2.00	
Mobley (Large pond)	5/9/2023	Jesus Tambunga	FALSE	FALSE	FALSE	FALSE	TRUE	9.00	7.00	
Mobley (Small pond)	5/9/2023	Jesus Tambunga	FALSE	FALSE	FALSE	FALSE	TRUE	18.00	2.00	

**Venegas, Victoria, EMNRD**

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**From:** Venegas, Victoria, EMNRD  
**Sent:** Wednesday, May 17, 2023 2:33 PM  
**To:** 'Chad Gallagher'  
**Subject:** . 2RF-166 - MOBLEY CONTAINMENTS #1 AND #2 FACILITY ID [fVV2131951088]  
**Attachments:** C-147 2RF-166 - MOBLEY CONTAINMENTS #1 AND #2 FACILITY ID [fVV2131951088]  
05.17.2023.pdf

Good afternoon Mr. Gallagher,

NMOCD has reviewed the extension of the cessation of operations request for 2RF-166 - MOBLEY CONTAINMENTS #1 AND #2 FACILITY ID [fVV2131951088] received from [371643] SOLARIS WATER MIDSTREAM, LLC on 05/13/2023, Application ID 216672. The cessation for operations extension request is approved with the following conditions of approval:

- 2RF-166 - MOBLEY CONTAINMENTS #1 AND #2 FACILITY ID [fVV2131951088] permit expires on May 9, 2023.
- Per NMAC 19.15.34.13.C extensions are considered for a maximum length of six months. 2RF-166 - MOBLEY CONTAINMENTS #1 AND #2 FACILITY ID [fVV2131951088] extension of the cessation of operations is approved from June 1, 2023, to December 1, 2023. **However, if after this 6-month period, the containment was not utilized at a minimum of 20% fluid capacity, no additional extensions would be granted, and the operator would be directed to remove all fluids and proceed with the closure requirements.**
- [371643] SOLARIS WATER MIDSTREAM, LLC will maintain a liquid level in the containment that is at least equal to the weight of the liner plus 20%. [371643] SOLARIS WATER MIDSTREAM, LLC may maintain a higher liquid level if they choose.
- [371643] SOLARIS WATER MIDSTREAM, LLC will provide written notice to OCD, at least 72 hours, but no more than one week, prior to the recommencement of operations. Recommencement of recycling operations means that the operator plans to resume moving fluids through the containment and discharging fluids from the containment.
  - At the resumption of recycling operations, [371643] SOLARIS WATER MIDSTREAM, LLC is required to perform an incremental fluid level test for containment liquid levels above the minimum liquid level.
  - [371643] SOLARIS WATER MIDSTREAM, LLC will fill the containment. [371643] SOLARIS WATER MIDSTREAM, LLC will pause filling operations at every 10% of total fluid capacity above the minimum level.
  - [371643] SOLARIS WATER MIDSTREAM, LLC will maintain the liquid level for each 10% volume increase for 24 hours and inspect the leak detection system at the end of the 24-hour period.
  - If there are no liquids present in the leak detection system, [371643] SOLARIS WATER MIDSTREAM, LLC may proceed to fill the next 10% volume and repeat the process until the containment full design capacity minus the 3-feet of freeboard is reached.
  - If liquids are present, [371643] SOLARIS WATER MIDSTREAM, LLC should immediately cease the incremental fill test and perform a liner inspection. [371643] SOLARIS WATER MIDSTREAM, LLC should provide written notice of the fluid detection and liner inspection findings using a C-147 (long form) with the "Other" box checked and "Notice of fluid detection" written as the explanation of "Other."
  - If the detected fluid is confirmed to be produced water, [371643] SOLARIS WATER MIDSTREAM, LLC must comply with 19.15.34.13 NMAC. [371643] SOLARIS WATER MIDSTREAM, LLC must provide written notification to NMOCD on the actions taken to comply with 19.15.34.13 NMAC.
  - [371643] SOLARIS WATER MIDSTREAM, LLC must submit copies of the detailed containment inspection records for the prior three months and a report detailing the incremental fluid level test process and results through the [OCD Online](#) system using a C-147 (long form) with the "Other" box checked. "Recommencement of Operations - Incremental Fluid Level Test" should be written as the explanation of "Other." Form C-147 must be completed and include information in sections 1 General Information, 2 Recycling Facility, 3

Recycling Containment, 4 Bonding, and 10 Operator Application Certification. Section 9 Recycling Facility and/or Containment Checklist may also need to be partially completed. Operators should verify that the resumption of operations notification does not result in any changes to the recycling containment operating and maintenance plan or the closure plan. If the recommencement of operations will affect the operating and maintenance plan or closure plan, operators should check those boxes in section 9 and provide updated plans or plan addendums as attachments to the C-147.

- [371643] SOLARIS WATER MIDSTREAM, LLC will continue to operate, maintain, and close 2RF-166 - MOBLEY CONTAINMENTS #1 AND #2 FACILITY ID [fVV2131951088] in compliance with 19.15.34 NMAC, to include but not limited detailed inspection records, removal of trash/oil from containment, and monthly C-148 reporting (even if there is zero activity).
- A minimum of 3-feet freeboard must always be maintained in the recycling containment during operations.
- [371643] SOLARIS WATER MIDSTREAM, LLC shall inspect the recycling containment and associated leak detection systems weekly while it contains fluids. [371643] SOLARIS WATER MIDSTREAM, LLC shall maintain a current log of such inspections and make the log available for review by the division upon request as per 19.15.34.13.A.
- NMOCD policy is to approve an extension to the cessation of operations for only a 6-month period. No additional extensions would be granted if during the approved extension period the containment was not utilized at a minimum of 20% total fluid capacity.

Regards,

**Victoria Venegas** • Environmental Specialist

Environmental Bureau

EMNRD - Oil Conservation Division

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

<https://www.emnrn.nm.gov/ocd/>



**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 216672

**CONDITIONS**

Operator: SOLARIS WATER MIDSTREAM, LLC 907 Tradewinds Blvd, Suite B Midland, TX 79706	OGRID: 371643
	Action Number: 216672
	Action Type: [C-147] Water Recycle Long (C-147L)

**CONDITIONS**

Created By	Condition	Condition Date
vvenegas	2RF-166 - MOBLEY CONTAINMENTS #1 AND #2 FACILITY ID [FV2131951088] extension of the cessation of operations is approved from June 1, 2023, to December 1, 2023. However, if after this 6-month period, the containment was not utilized at a minimum of 20% fluid capacity, no additional extensions would be granted, and the operator would be directed to remove all fluids and proceed with the closure requirements. • NMOCD policy is to approve an extension to the cessation of operations for only a 6-month period. No additional extensions would be granted if during the approved extension period the containment was not utilized at a minimum of 20% total fluid capacity.	5/17/2023