

From: [Randall Hicks](#)
To: [Bratcher, Mike, EMNRD](#); [Patterson, Heather, EMNRD](#)
Cc: [jerry.fanning@dvn.com](#); [jeff.sawyer@dvn.com](#); "Mark Hughes"; [brian.kuh@dvn.com](#); [WBMiller@RockwaterEnergy.com](#); [Martin, Ed](#); "Thomas McCormick"; "Kristin Pope"
Subject: RE: C-147 Recycling Registration: Devon - Hackberry 16 - REQUEST RAPID REVIEW OF VARIANCE PRIOR TO AST SET-UP NEXT WEDNESDAY
Date: Thursday, April 02, 2015 6:44:41 AM

Ms. Patterson and Mr. Bratcher

Hicks Consultants recommended that Devon and Rockwater submit a Part 34 Registration for the produced water re-use project rather than submit a permit application for the ASTs under Part 17. While we believe this recommendation was sound, it created a tight schedule. We respectfully request that OCD expeditiously review the variances included in the submission as Rockwater should begin AST set-up late **next week** to maintain the produced water recycling schedule for Devon.

The following variances are required because Rule 34 did not adequately consider these ASTs as storage containments. Mr. Ron Frobel, PE, wrote all of these variances for this project as well as the previously-approved variances for a similar Devon project in Lea County.

New Variance Requested	Summary of Request
Two 30-mil LLDPE layers as the primary liner system in lieu of one 45-mil LLDPE primary liner.	A similar variance request to use two 40-mil liners for an AST in lieu of a 60-mil HDPE primary liner was approved by OCD. We believe it is relatively obvious from reading the 3-page request that two liners with a combined thickness of 60 mil trumps a single 45-mil LLDPE liner for a variety of reasons.
Variances Previously Approved by OCD	
Slopes and Anchor Trench Variance NMAC 19.15.34.12.A(2) & (3)	Obviously a vertical wall, steel tank cannot and need not comply with 2H:1V sideslopes as prescribed by the Rule. Anchor trenches are also impossible and not required due to alternative fastening clamps.
Freeboard Variance NMAC 19.15.17.F(3)	For large earthen impoundments where wave action and other forces act on the liners and foundation, a 3-foot freeboard requirement

	makes sense. It is not required for the ASTs.
Fencing 19.15.17.11.D	The 12-foot high steel walls of the ASTs adequately protect against intrusion by stock and wildlife.

Devon has provided the certification regarding the information in the registration. The site meets all of the setback criteria – and OCD is familiar with the level of detail exercised by Hicks Consultants in our environmental evaluations. The registration fully complies with the Rule and we invite OCD staff to visit the site during AST set-up, perhaps when Rockwater is finishing liner installation. The registration was transmitted to the surface owner.

If you should have any questions regarding the registration or the variances, please contact me. I will call you Thursday afternoon to be sure the document has been delivered. I attach a copy of the new variance request (3 pages) with highlighted areas that may ease and speed your review.

Randall T. Hicks
505-266-5004 (office)
505-238-9515 (cell and best number to use)

From: Kristin Pope [mailto:kristin@rthicksconsult.com]
Sent: Wednesday, April 01, 2015 5:26 PM
To: Mike Bratcher; Patterson, Heather, EMNRD
Cc: Randy Hicks; jerry.fanning@dv.com; jeff.sawyer@dv.com; Mark Hughes; brian.kuh@dv.com; WBMiller@RockwaterEnergy.com; emartin@slo.state.nm.us; 'Thomas McCormick'
Subject: C-147 Recycling Registration: Devon - Hackberry 16

Ms. Patterson and Mr. Bratcher:

Please follow the link below to access the Hackberry 16 Recycling Containments and Facility registration submitted on behalf of Devon Energy.

C-147application-DevonHackberryRecycling.pdf
<https://rthicks.egnyte.com/dl/5SaKUXitul>

Please note the following:

- A variance request to use two 30-mil LLDPE liners instead of one 45-mil as the primary liner is included.
- We also include other variances previously approved by OCD under Rule 17
- This transmission is copied to Ed Martin of the SLO as notification of the surface owner is required by the Rule.

Bryan Printers will deliver one (1) paper copy of the submission on Thursday. Please let me know if I can assist your review of the variance request in any way. Thank you.

Kristin Pope
R.T. Hicks Consultants
Carlsbad Field Office
575.302.6755