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-144
Revised June 6, 2013

For temporary pits, below-grade tanks, and multi-well fluid management pits, submit to the appropriate NMOCD District Office.
For permanent pits submit to the Santa Fe Environmental Bureau office and provide a copy to the appropriate NMOCD District Office.

11324

Pit, Below-Grade Tank, or Proposed Alternative Method Permit or Closure Plan Application

Type of action:
- ☐ Below grade tank registration
- ☐ Permit of a pit or proposed alternative method
- ☒ Closure of a pit, below-grade tank, or proposed alternative method
- ☐ Modification to an existing permit/or registration
- ☐ Closure plan only submitted for an existing permitted or non-permitted pit, below-grade tank, or proposed alternative method

Instructions: Please submit one application (Form C-144) per individual pit, below-grade tank or alternative request

Please 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: EnerVest Operating, L.L.C. OGRID #: 143199
Address: 1001 Fannin St., Suite 800, Houston, TX 77002
Facility or well name: Jicarilla Contract 148 #37
API Number: 30-039-23786 OCD Permit Number:
U/L or Qtr/Qtr C Section 13 Township 25N Range 5W County: Rio Arriba
Center of Proposed Design: Latitude 36.40453 Longitude -107.31505 NAD: ☐1927 ☒ 1983
Surface Owner: ☐ Federal ☐ State ☐ Private ☒ Tribal Trust or Indian Allotment

2.
☐ **Pit:** Subsection F, G or J of 19.15.17.11 NMAC
Temporary: ☐ Drilling ☐ Workover
☐ Permanent ☐ Emergency ☐ Cavitation ☐ P&A ☐ Multi-Well Fluid Management Low Chloride Drilling Fluid ☐ yes ☐ no
☐ Lined ☐ Unlined Liner type: Thickness _____mil ☐ LLDPE ☐ HDPE ☐ PVC ☐ Other _____
☐ String-Reinforced
Liner Seams: ☐ Welded ☐ Factory ☐ Other _____ Volume: _____bbl Dimensions: L_____ x W_____ x D_____

RCVD JUL 18 '13
OIL CONS. DIV.
DIST. 3

3.
☒ **Below-grade tank:** Subsection I of 19.15.17.11 NMAC
Volume: 95 bbl Type of fluid: Produced Water
Tank Construction material: Steel
☐ Secondary containment with leak detection ☐ Visible sidewalls, liner, 6-inch lift and automatic overflow shut-off
☐ Visible sidewalls and liner ☒ Visible sidewalls only ☒ Other See Closure Plan
Liner type: Thickness _____mil ☐ HDPE ☐ PVC ☒ Other BGT to be closed per new rule

OIL CONS. DIV DIST. 3
AUG 12 2013

4.
☐ **Alternative Method:**
Submittal of an exception request is required. Exceptions must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.

5.
Fencing: Subsection D of 19.15.17.11 NMAC *(Applies to permanent pits, temporary pits, and below-grade tanks)*
☐ Chain link, six feet in height, two strands of barbed wire at top *(Required if located within 1000 feet of a permanent residence, school, hospital, institution or church)*
☐ Four foot height, four strands of barbed wire evenly spaced between one and four feet
☒ Alternate. Please specify 4' Hog Wire

6.
Netting: Subsection E of 19.15.17.11 NMAC *(Applies to permanent pits and permanent open top tanks)*

☒ Screen ☐ Netting ☐ Other_____

☐ Monthly inspections (If netting or screening is not physically feasible)

7.
Signs: Subsection C of 19.15.17.11 NMAC

☐ 12"x 24", 2" lettering, providing Operator's name, site location, and emergency telephone numbers

☒ Signed in compliance with 19.15.16.8 NMAC

8.
Variances and Exceptions:
Justifications and/or demonstrations of equivalency are required. Please refer to 19.15.17 NMAC for guidance.

Please check a box if one or more of the following is requested, if not leave blank:

☐ Variance(s): Requests must be submitted to the appropriate division district for consideration of approval.

☐ Exception(s): Requests must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.

9.
Siting Criteria (regarding permitting): 19.15.17.10 NMAC

Instructions: The applicant must demonstrate compliance for each siting criteria below in the application. Recommendations of acceptable source material are provided below. **Siting criteria does not apply to drying pads or above-grade tanks.**

General siting	
Ground water is less than 25 feet below the bottom of a low chloride temporary pit or below-grade tank. - ☒ NM Office of the State Engineer - iWATERS database search; ☐ USGS; ☐ Data obtained from nearby wells	☐ Yes ☐ No ☒ NA
Ground water is less than 50 feet below the bottom of a Temporary pit, permanent pit, or Multi-Well Fluid Management pit . NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	☐ Yes ☒ No ☐ 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. **(Does not apply to below grade tanks)** - Written confirmation or verification from the municipality; Written approval obtained from the municipality	☐ Yes ☐ No
Within the area overlying a subsurface mine. **(Does not apply to below grade tanks)** - Written confirmation or verification or map from the NM EMNRD-Mining and Mineral Division	☐ Yes ☐ No
Within an unstable area. **(Does not apply to below grade tanks)** - Engineering measures incorporated into the design; NM Bureau of Geology & Mineral Resources; USGS; NM Geological Society; Topographic map	☐ Yes ☐ No
Within a 100-year floodplain. **(Does not apply to below grade tanks)** - FEMA map	☐ Yes ☐ No
Below Grade Tanks	
Within 100 feet of a continuously flowing watercourse, significant watercourse, lake bed, sinkhole, wetland or playa lake (measured from the ordinary high-water mark). - Topographic map; Visual inspection (certification) of the proposed site	☐ Yes ☒ No
Within 200 horizontal feet of a spring or a fresh water well used for public or livestock consumption;. - NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site	☐ Yes ☒ No
Temporary Pit using Low Chloride Drilling Fluid (maximum chloride content 15,000 mg/liter)	
Within 100 feet of a continuously flowing watercourse, or any other significant watercourse or within 200 feet of any lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark). (Applies to low chloride temporary pits.) - Topographic map; Visual inspection (certification) of the proposed site	☐ Yes ☐ No
Within 300 feet from a occupied 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	☐ Yes ☐ No
Within 200 horizontal feet of a spring or a private, domestic fresh water well used by less than five households for domestic or stock watering purposes, or 300feet of any other fresh water well or spring, in existence at the time of the initial application. NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site	☐ Yes ☐ No

Within 100 feet of a wetland. - US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site	☐ Yes ☐ No
Temporary Pit Non-low chloride drilling fluid	
Within 300 feet of a continuously flowing watercourse, or any other significant watercourse, or within 200 feet of any lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark). - Topographic map; Visual inspection (certification) of the proposed site	☐ Yes ☐ No
Within 300 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	☐ Yes ☐ No
Within 500 horizontal feet of a spring or a private, domestic fresh water well used by less than five households for domestic or stock watering purposes, or 1000 feet of any other fresh water well or spring, in the existence at the time of the initial application; - NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site	☐ Yes ☐ No
Within 300 feet of a wetland. - US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site	☐ Yes ☐ No
Permanent Pit or Multi-Well Fluid Management Pit	
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	☐ Yes ☐ 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	☐ Yes ☐ 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. - NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site	☐ Yes ☐ No
Within 500 feet of a wetland. - US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site	☐ Yes ☐ No

10.

Temporary Pits, Emergency Pits, and Below-grade Tanks Permit Application Attachment Checklist: Subsection B of 19.15.17.9 NMAC

Instructions: Each of the following items must be attached to the application. Please indicate, by a check mark in the box, that the documents are attached.

☐ Hydrogeologic Report (Below-grade Tanks) - based upon the requirements of Paragraph (4) of Subsection B of 19.15.17.9 NMAC
☐ Hydrogeologic Data (Temporary and Emergency Pits) - based upon the requirements of Paragraph (2) of Subsection B of 19.15.17.9 NMAC
☐ Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC
☐ Design Plan - based upon the appropriate requirements of 19.15.17.11 NMAC
☐ Operating and Maintenance Plan - based upon the appropriate requirements of 19.15.17.12 NMAC
☒ Closure Plan (Please complete Boxes 14 through 18, if applicable) - based upon the appropriate requirements of Subsection C of 19.15.17.9 NMAC and 19.15.17.13 NMAC

☐ Previously Approved Design (attach copy of design) API Number: _____ or Permit Number: _____

11.

Multi-Well Fluid Management Pit Checklist: Subsection B of 19.15.17.9 NMAC

Instructions: Each of the following items must be attached to the application. Please indicate, by a check mark in the box, that the documents are attached.

☐ Design Plan - based upon the appropriate requirements of 19.15.17.11 NMAC
☐ Operating and Maintenance Plan - based upon the appropriate requirements of 19.15.17.12 NMAC
☐ A List of wells with approved application for permit to drill associated with the pit.
☐ Closure Plan (Please complete Boxes 14 through 18, if applicable) - based upon the appropriate requirements of Subsection C of 19.15.17.9 NMAC and 19.15.17.13 NMAC
☐ Hydrogeologic Data - based upon the requirements of Paragraph (4) of Subsection B of 19.15.17.9 NMAC
☐ Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC

☐ Previously Approved Design (attach copy of design) API Number: _____ or Permit Number: _____

12.
Permanent Pits Permit Application Checklist: Subsection B of 19.15.17.9 NMAC

Instructions: Each of the following items must be attached to the application. Please indicate, by a check mark in the box, that the documents are attached.

- ☐ Hydrogeologic Report - based upon the requirements of Paragraph (1) of Subsection B of 19.15.17.9 NMAC
- ☐ Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC
- ☐ Climatological Factors Assessment
- ☐ Certified Engineering Design Plans - based upon the appropriate requirements of 19.15.17.11 NMAC
- ☐ Dike Protection and Structural Integrity Design - based upon the appropriate requirements of 19.15.17.11 NMAC
- ☐ Leak Detection Design - based upon the appropriate requirements of 19.15.17.11 NMAC
- ☐ Liner Specifications and Compatibility Assessment - based upon the appropriate requirements of 19.15.17.11 NMAC
- ☐ Quality Control/Quality Assurance Construction and Installation Plan
- ☐ Operating and Maintenance Plan - based upon the appropriate requirements of 19.15.17.12 NMAC
- ☐ Freeboard and Overtopping Prevention Plan - based upon the appropriate requirements of 19.15.17.11 NMAC
- ☐ Nuisance or Hazardous Odors, including H_2S, Prevention Plan
- ☐ Emergency Response Plan
- ☐ Oil Field Waste Stream Characterization
- ☐ Monitoring and Inspection Plan
- ☐ Erosion Control Plan
- ☐ Closure Plan - based upon the appropriate requirements of Subsection C of 19.15.17.9 NMAC and 19.15.17.13 NMAC

13.
Proposed Closure: 19.15.17.13 NMAC

Instructions: Please complete the applicable boxes, Boxes 14 through 18, in regards to the proposed closure plan.

Type: ☐ Drilling ☐ Workover ☐ Emergency ☐ Cavitation ☐ P&A ☐ Permanent Pit ☒ Below-grade Tank ☐ Multi-well Fluid Management Pit ☐ Alternative

Proposed Closure Method: ☒ Waste Excavation and Removal
- ☐ Waste Removal (Closed-loop systems only)
- ☐ On-site Closure Method (Only for temporary pits and closed-loop systems)
  - ☐ In-place Burial ☐ On-site Trench Burial
- ☐ Alternative Closure Method

14.
Waste Excavation and Removal Closure Plan Checklist: (19.15.17.13 NMAC) ***Instructions: Each of the following items must be attached to the closure plan. Please indicate, by a check mark in the box, that the documents are attached.***

- ☒ Protocols and Procedures - based upon the appropriate requirements of 19.15.17.13 NMAC
- ☒ Confirmation Sampling Plan (if applicable) - based upon the appropriate requirements of Subsection C of 19.15.17.13 NMAC
- ☒ Disposal Facility Name and Permit Number (for liquids, drilling fluids and drill cuttings)
- ☒ Soil Backfill and Cover Design Specifications - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC
- ☒ Re-vegetation Plan - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC
- ☒ Site Reclamation Plan - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC

15.
Siting Criteria (regarding on-site closure methods only): 19.15.17.10 NMAC

Instructions: Each siting criteria requires a demonstration of compliance in the closure plan. Recommendations of acceptable source material are provided below. Requests regarding changes to certain siting criteria require justifications and/or demonstrations of equivalency. Please refer to 19.15.17.10 NMAC for guidance.

Ground water is less than 25 feet below the bottom of the buried waste. - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	☐ Yes ☐ No ☐ NA
Ground water is between 25-50 feet below the bottom of the buried waste - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	☐ Yes ☐ No ☐ NA
Ground water is more than 100 feet below the bottom of the buried waste. - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	☐ Yes ☐ No ☐ NA
Within 100 feet of a continuously flowing watercourse, or 200 feet of any other significant watercourse, lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark). - Topographic map; Visual inspection (certification) of the proposed site	☐ Yes ☐ No
Within 300 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	☐ Yes ☐ No
Within 300 horizontal feet of a private, domestic fresh water well or spring used for domestic or stock watering purposes, in existence at the time of initial application. - NM Office of the State Engineer - iWATERS database; Visual inspection (certification) of the proposed site	☐ Yes ☐ No
Written confirmation or verification from the municipality; Written approval obtained from the municipality	☐ Yes ☐ No
Within 300 feet of a wetland. US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site	☐ Yes ☐ No
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	☐ Yes ☐ No
Within the area overlying a subsurface mine. - Written confirmation or verification or map from the NM EMNRD-Mining and Mineral Division	☐ Yes ☐ No
Within an unstable area. - Engineering measures incorporated into the design; NM Bureau of Geology & Mineral Resources; USGS; NM Geological Society; Topographic map	☐ Yes ☒ No
Within a 100-year floodplain. - FEMA map	☐ Yes ☐ No

16.
On-Site Closure Plan Checklist: (19.15.17.13 NMAC) ***Instructions: Each of the following items must be attached to the closure plan. Please indicate, by a check mark in the box, that the documents are attached.***

- ☐ Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC
- ☐ Proof of Surface Owner Notice - based upon the appropriate requirements of Subsection E of 19.15.17.13 NMAC
- ☐ Construction/Design Plan of Burial Trench (if applicable) based upon the appropriate requirements of Subsection K of 19.15.17.11 NMAC
- ☐ Construction/Design Plan of Temporary Pit (for in-place burial of a drying pad) - based upon the appropriate requirements of 19.15.17.11 NMAC
- ☐ Protocols and Procedures - based upon the appropriate requirements of 19.15.17.13 NMAC
- ☐ Confirmation Sampling Plan (if applicable) - based upon the appropriate requirements of 19.15.17.13 NMAC
- ☐ Waste Material Sampling Plan - based upon the appropriate requirements of 19.15.17.13 NMAC
- ☐ Disposal Facility Name and Permit Number (for liquids, drilling fluids and drill cuttings or in case on-site closure standards cannot be achieved)
- ☐ Soil Cover Design - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC
- ☐ Re-vegetation Plan - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC
- ☐ Site Reclamation Plan - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC

17.
Operator Application Certification:

I hereby certify that the information submitted with this application is true, accurate and complete to the best of my knowledge and belief.

Name (Print): Bart Trevino Title: Regulatory Analyst

Signature: Date: July 17, 2013

e-mail address: btrevino@enervest.net Telephone: 713-659-3500

18.
OCD Approval: ☒ Permit Application (including closure plan) ☒ Closure Plan (only) ☒ OCD Conditions (see attachment) JK 8/26/2013 See Closure standards

OCD Representative Signature: Jonathan D. Kelly Jonathan D. Kelly 8/26/2013 **Approval Date:** 7/25/2013

Title: Compliance Officer **OCD Permit Number:**

19.
Closure Report (required within 60 days of closure completion): 19.15.17.13 NMAC

Instructions: Operators are required to obtain an approved closure plan prior to implementing any closure activities and submitting the closure report. The closure report is required to be submitted to the division within 60 days of the completion of the closure activities. Please do not complete this section of the form until an approved closure plan has been obtained and the closure activities have been completed.

☒ **Closure Completion Date:** 7-31-2013

20.
Closure Method:

☐ Waste Excavation and Removal ☒ On-Site Closure Method ☐ Alternative Closure Method ☐ Waste Removal (Closed-loop systems only)

☐ If different from approved plan, please explain.

21.
Closure Report Attachment Checklist: ***Instructions: Each of the following items must be attached to the closure report. Please indicate, by a check mark in the box, that the documents are attached.***

- ☒ Proof of Closure Notice ~~(surface owner~~ and division)
- ☐ Proof of Deed Notice (required for on-site closure for private land only)
- ☐ Plot Plan (for on-site closures and temporary pits)
- ☒ Confirmation Sampling Analytical Results (if applicable)
- ☐ Waste Material Sampling Analytical Results (required for on-site closure)
- ☒ Disposal Facility Name and Permit Number
- ☒ Soil Backfilling and Cover Installation
- ☒ Re-vegetation Application Rates and Seeding Technique
- ☒ Site Reclamation (Photo Documentation)
- On-site Closure Location: Latitude _____ Longitude _____ NAD: ☐1927 ☐ 1983

22.

Operator Closure Certification:

I hereby certify that the information and attachments submitted with this closure report is true, accurate and complete to the best of my knowledge and belief. I also certify that the closure complies with all applicable closure requirements and conditions specified in the approved closure plan.

Name (Print): WILBERT L GARDNER Title: SR HSE SPECIALIST

Signature: Wilbert Gardner Date: 7-31-2013

e-mail address: WGARDNER@ENERVEST.NET Telephone: 505-320-7924

EnerVest Operating, LLC (EV)

BELOW-GRADE TANK
CLOSURE PLAN

Rule 19.15.17.13

Well Name – Jicarilla contract 147-37
API # 30-039-23786
Location: UL- C, Sec 13, T-25N, R-5W
Lat: N 36.404530 Lat W -107. 315050

Before June 15, 2013, EV shall close, retrofit, or replace an existing below-grade tank that has not demonstrated integrity.

EV shall close a below-grade tank within the time periods provided in 19.15.17.13 NMAC, or by an earlier date that the division requires because of imminent danger to fresh water, public health or the environment.

A. EV shall close an existing below-grade tank that does not meet the requirements of Subsection I, paragraphs (1) through (4), of 19.15.17.11 NMAC if not retrofitted to comply with said requirements prior to any sale or change of operator to 19.15.9.9 NMAC.

Any below-grade tank installed prior to June 16, 2008 that is single walled and where any portion of the tank sidewall is below the ground surface and not visible shall equip or retrofit the below-grade tank to comply with paragraphs (1) through (4) of Subsection I of 19.15.17.11 NMAC, or close it, within 5 years after June 16, 2008.

Within 60 days of cessation of the permitted below-grade tanks operation or as required by Subsection B of 19.15.17.17 NMAC, EV shall close the below-grade tank in accordance with a closure plan that the appropriate division district office approves.

Below grade tank was removed on or about July 29, 2013

B. Prior to implementing any closure operations EV shall research county tax records to determine the name and address of the surface owner of the properties involved. EV shall notify this surface owner via Certified U.S. Mail, return receipt requested, of their intent to close said below-grade tank.

Upon determination, EV will notify the appropriate district office verbally and in writing at least 72 hours but not more than one week prior to beginning work. Such notice shall contain at a minimum the following:

Operators Name
Unit letter, Section, Township, & Range of well
Well name and well number
API Number of well

Enervest Operating failed to give the required notification to the State of New Mexico due to an internal communication breakdown. The Jicarilla Tribal Environmental Protection Officer had conducted a pre-job inspection of the location several days before but was not notified at least 72 hours in advance of the work. Corrective action has been taken to prevent further occurrences. See attached letter of explanation.

C. Within 60 days of completion of closure operations, EV will file Form C-144, with attachments, outlining the detailed operations of the closing operations. Such attachments shall include, but not limited to, proof of surface owner and division notifications, confirmation of sampling analysis, disposal facility names and permit numbers, soil backfilling and cover installation, re-vegetation application rates and seeding techniques, and photo documentations.

D. All free standing liquids and sludge will be removed at the start of the below-grade tank closure process from the below-grade tank and disposed of in one of the below division-approved facility as indicated below:

TNT Land Farm	Permit # NM-01-0008	Liquids & Sludge
Environtech Land Farm	Permit # NM-01-0011	Solids
AguaMoss	Permit # 247130	Liquids

EV will obtain prior approval from the division to dispose, recycle, reuse, or reclaim the below-grade tanks and provide documentation of the final disposition of the below-grade tank in the closure report.

All material in the below grade tank was removed and disposed of at the T-N-T Land Farm (#NM-01-008). The interior of the tank was steam cleaned prior to removal. The tank was transported to the Enervest Jicarilla yard where it was inspected and recoated. The tank will be utilized at another location in the future.

Existing liners that are removed as a result of closure will be wiped cleaned and disposed of at a solid waste facility listed below in compliance with Subparagraph (M) of Paragraph (I) of Subsection C 19.15.35.8 NMAC..

San Juan Regional Landfill	Permit # SWM 052426 or
"	Special Waster Permit # SWM052433 "sp"

If there is any on-site equipment associated with a below grade tank, EV shall remove the equipment, unless the equipment is required for some other purpose.

Upon removal of the below-grade tank, EV will take, at a minimum, a five point composite sample from where the tank was sitting. EV shall collect individual grab samples will be taken from any area that is wet, discolored or showing other evidence of a release. All samples will be analyzed for the following:

Constituent	Method	Groundwater 51-100 FT	Test Results
Chloride	EPA 300.0	10,000 mg/kg	**70.5 mg/kg**
TPH	EPA SW-846 Method 418.1	2,500 mg/kg	**406 mg/kg**
BTEX	EPA SW-846 Method 8021B or8260B	50 mg/kg	**Non Detect**
Benzene	EPA -SW-846 Method 8021B or 8015M	10 mg/kg	**Non Detect**
GRO/DRO	EPA SW-846 Method 8015B	1,000 mg/kg	**Non Detect**

The sample was analyzed by Envirotech Analytical Laboratory in Aztec NM. See attached laboratory report.

EV will insure that the results of all sampling shall be reported to the division on approved form C-141. EV understands that the division may require additional delineation upon review of the results.

If sampling demonstrates that concentrations specified above have NOT been exceeded, or that a release has NOT occurred, EV will backfill the excavation with compacted, non-waste containing, earthen material, construct a division prescribed soil cover, and recontour and re-vegetate the site. The division prescribed soil cover, recontouring, and re-vegetation shall comply with 19.15.17.13.

The excavation was back filled by Costilla Oil Field Services utilizing soil that was already on location. The location was contoured to match the existing terrain.

If EV or the division determines that a release has occurred, EV shall fully comply with 19.15.29 NMAC and 19.15.30 NMAC as appropriate.

No release was observed. See the attached C-141 for details

E. Once EV has closed a below-grade tank, we shall reclaim the site to a safe and stable condition that blends with the surrounding undisturbed area. When possible, EV will restore the impacted surface area to the condition that existed prior to oil and gas operations by the placement of soil cover.

If the closed area is within the confines of the pad location EV will blend the site to match the pad location as much as possible. Such activities shall prevent erosion, protect fresh water, human health and the environment. EV will obtain written agreement from the surface owner for any alternate re-vegetation proposals and submit to the division for final approval.

The soil cover design will be consistent with the requirements of 19.15.17.13(H)(1)and (3). The soil cover will consist of the background thickness of topsoil or one foot of suitable material to establish vegetation at the site, whichever is greater. The soil cover will be constructed to the site's existing grade and prevent ponding of water and erosion of the cover material.

EV will seed the disturbed areas the first growing season after closing the below grade tank. Seeding will be accomplished via drilling on the contour whenever practical or by other division-approved methods. BLM or Forest Service stipulated seed mixes will used on federal lands. Vegetative cover will equal 70% of the native perennial vegetative cover (un-impacted) consisting of at least three native plant species, including at least one grass, but not including noxious weeds, and maintain that cover through two successive growing seasons. Repeat seeding or planting will be continued until successful vegetative growth occurs. During the two growing seasons that prove viability, there shall be no artificial irrigation of the vegetation.

EV shall notify the division when it has seeded or planted and when it successfully achieves re-vegetation.

ENERVEST

On or about July 1, 2013, Enervest Operating closed the below grade tank excavation on the Lease # 148 Jicarilla Contract 148-37 well pad (API# 30-039-23786) located at UL-C, Section 13, Township 25 North, Range 5 West N.M.P.M without the required 72 hour notice to the State of New Mexico .

This over site was due to a communication breakdown within Enervest. To prevent this error from occurring in the future Enervest, has established an internal tracking system for below grade tank excavation work. In addition, no back filling of an excavation can occur until the Senior HSE Specialist assigned to the Farmington NM office has given written authorization to the field coordinator oversee contractor operations.

Prior to closure a five point composite sample was submit for laboratory analysis. The sample did meet the criteria for closure. Attached is a copy of the sample results.

Thank you.

Wilbert L Gardner CHMM, CSP
Sr HSE Specialist

ENERVEST OPERATING, LLC.
2700 Farmington Ave. Bldg K., Ste 1 • Farmington, New Mexico 87401 • 505-325-0318 • Fax 505-325-0328

Gardner, Wilbert

From: Sandoval, Kurt [kurt.sandoval@bia.gov]
Sent: Monday, July 01, 2013 4:39 PM
To: Gardner, Wilbert
Cc: deedra.mike@bia.gov; hsandoval_99@yahoo.com; Julian, Bill; Young, Ronnie; Trevino, Bart; Ahrens, Mickey; Wall, Brad; Cross, Jeff
Subject: Re: Permission To Close Below Grade Tank Pit

Lee,
I have given approval to Bill Julian today to close the pit. This verbal approval will assist you in closure. A written approval is forthcoming, Kurt.

On Mon, Jul 1, 2013 at 4:20 PM, Gardner, Wilbert <wgardner@enervest.net> wrote:

Gentlemen:

Enervest Operating LLC is requesting permission to close the below grade tank pit located on the Jic 148-37 (API # 30-039-23786, UL-C ,Sec 13, T-25N, R-5W, NMPM).

On on-site review of the work was conducted with the Jicarilla Tribal Environmental Protection Officer on July 1, 2013.

Attached is a copy of the soil test results per NM 19,15,17.

Please direct all correspondence to my attention.

Thank you.

Lee Gardner CHMM, CSP

Sr. HSE Specialist

Enervest Operating LLC

2700 Farmington, Bldg K, Suite #1

Farmington, NM 87401

Office 505-325-0318 Ext 13

Mobile 505-320-7924

Wgardner@enervest.net

Gardner, Wilbert

From: Hobson Sandoval [hsandoval_99@yahoo.com]
Sent: Monday, July 01, 2013 10:00 PM
To: Gardner, Wilbert; kurt.sandoval@bia.gov
Subject: Re: Permission To Close Below Grade Tank Pit, Jicarilla 148-37

I have reviewed the lab results of TPH, Chlorides and BTEX. They are within the new closure criteria for soils beneath BGT. So, your request for closure of this site is approved.

"Gardner, Wilbert" <wgardner@EnerVest.net> wrote:

Gentlemen:

Enervest Operating LLC is requesting permission to close the below grade tank pit located on the Jic 148-37 (API # 30-039-23786, UL-C ,Sec 13, T-25N, R-5W, NMPM).

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Sr. HSE Specialist

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Wgardner@enervest.net

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

Oil Conservation Division
1220 South St. Francis Dr.
Santa Fe, NM 87505

Form C-141
Revised August 8, 2011

Submit 1 Copy to appropriate District Office in accordance with 19.15.29 NMAC.

Release Notification and Corrective Action

OPERATOR

☐ Initial Report X☐ Final Report

Name of Company Enervest Operating	Contact Lee Gardner
Address 2700 Farmington Ave Building K, Suite #1	Telephone No. 505-325-0318
Facility Name Jicarilla Contract 148-37	Facility Type Oil & Gas Production

Surface Owner Jicarilla Tribe	Mineral Owner Jicarilla Tribe	API No. 30-039-23786

LOCATION OF RELEASE

Unit Letter	Section	Township	Range	Feet from the	North/South Line	Feet from the	East/West Line	County
C	13	25N	5W					Rio Arriba

Latitude N. 36.404530 **Longitude** W -107.315050

NATURE OF RELEASE

Type of Release None	Volume of Release None	Volume Recovered none
Source of Release	Date and Hour of Occurrence	Date and Hour of Discovery
Was Immediate Notice Given? ☐ Yes X☐ No ☐ Not Required	If YES, To Whom?	
By Whom?	Date and Hour	
Was a Watercourse Reached? ☐ Yes X☐ No	If YES, Volume Impacting the Watercourse.	

If a Watercourse was Impacted, Describe Fully.*

Describe Cause of Problem and Remedial Action Taken.*
Below grade tank excavation closure A five point composite sample was collect from the excavation and submitted analysis, the results are
Benzene – Non Detect (EPA Method 8021)
BTEX – Non Detect (EPA Method 8021)
GRO/DRO - Non Detect (EPA 8015)
Total Petroleum Hydrocarbons - 406 mg/kg (EPA Method 418.1)
Chloride – 70.5 mg/kg (EPA Method 300.0)

Describe Area Affected and Cleanup Action Taken.*
No release was detected by analysis

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Signature: Lee Gardner	OIL CONSERVATION DIVISION	
Printed Name: Lee Gardner	Approved by Environmental Specialist:	
Title: Senior HSE Specialist	Approval Date:	Expiration Date:
E-mail Address: wgardner@ enervest.net	Conditions of Approval:	Attached ☐
Date: 8-7-2013 Phone: 505-325-0318		

envirotech
Analytical Laboratory

Analytical Report

Report Summary

Client: Enervest Operating
Chain Of Custody Number: 15424
Samples Received: 6/7/2013 3:34:00PM
Job Number: 05123-0002
Work Order: P306036
Project Name/Location: 148-37 PIT

Entire Report Reviewed By: _____ Date: 6/17/13

Tim Cain, Laboratory Manager

The results in this report apply to the samples submitted to Envirotech's Analytical Laboratory and were analyzed in accordance with the chain of custody document supplied by you, the client, and as such are for your exclusive use only. The results in this report are based on the sample as received unless otherwise noted. Partial or incomplete reproduction of this report is prohibited, unless approved by Envirotech, Inc. If you have any questions regarding this analytical report, please don't hesitate to contact Envirotech's Laboratory Staff.

5796 US Highway 64, Farmington, NM 87401 Ph (505) 632-0615 Fx (505) 632-1865
Three Springs • 65 Mercado Street, Suite 115, Durango, CO 81301 Ph (970) 259-0615 Fr (800) 362-1879
envirotech-inc.com
laboratory@envirotech-inc.com

envirotech
Analytical Laboratory

Enervest Operating	Project Name:	148-37 PIT	
2700 Farmington Ave.	Project Number:	05123-0002	**Reported:**
Farmington NM, 87401	Project Manager:	W Gardner	17-Jun-13 17:28

Analyical Report for Samples

Client Sample ID	Lab Sample ID	Matrix	Sampled	Received	Container
148-37 PIT	P306036-01A	Soil	06/07/13	06/07/13	Glass Jar, 4 oz.

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Enervest Operating	Project Name:	148-37 PIT	
2700 Farmington Ave.	Project Number:	05123-0002	**Reported:**
Farmington NM, 87401	Project Manager:	W Gardner	17-Jun-13 17:28

148-37 PIT

P306036-01 (Solid)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Volatile Organics by EPA 8021									
Benzene	ND	0.05	mg/kg	1	1324002	09-Jun-13	12-Jun-13	EPA 8021B	
Toluene	ND	0.05	mg/kg	1	1324002	09-Jun-13	12-Jun-13	EPA 8021B	
Ethylbenzene	ND	0.05	mg/kg	1	1324002	09-Jun-13	12-Jun-13	EPA 8021B	
p,m-Xylene	ND	0.05	mg/kg	1	1324002	09-Jun-13	12-Jun-13	EPA 8021B	
o-Xylene	ND	0.05	mg/kg	1	1324002	09-Jun-13	12-Jun-13	EPA 8021B	
Total Xylenes	ND	0.05	mg/kg	1	1324002	09-Jun-13	12-Jun-13	EPA 8021B	
Total BTEX	ND	0.05	mg/kg	1	1324002	09-Jun-13	12-Jun-13	EPA 8021B	
Surrogate: Bromochlorobenzene		*90.5 %*		*80-120*	*1324002*	*09-Jun-13*	*12-Jun-13*	*EPA 8021B*	
Surrogate: 1,4-Difluorobenzene		*86.3 %*		*80-120*	*1324002*	*09-Jun-13*	*12-Jun-13*	*EPA 8021B*	
Surrogate: Fluorobenzene		*85.5 %*		*80-120*	*1324002*	*09-Jun-13*	*12-Jun-13*	*EPA 8021B*	
Nonhalogenated Organics by 8015									
Gasoline Range Organics (C6-C10)	ND	4.99	mg/kg	1	1324006	10-Jun-13	13-Jun-13	EPA 8015D	
Diesel Range Organics (C10-C28)	ND	4.99	mg/kg	1	1324006	10-Jun-13	13-Jun-13	EPA 8015D	
GRO and DRO Combined Fractions	ND	4.99	mg/kg	1	1324006	10-Jun-13	13-Jun-13	EPA 8015D	
Total Petroleum Hydrocarbons by 418.1									
Total Petroleum Hydrocarbons	**406**	20.0	mg/kg	1	1324011	10-Jun-13	10-Jun-13	EPA 418.1	
Cation/Anion Analysis									
Chloride	**70.5**	10.0	mg/kg	1	1324009	10-Jun-13	11-Jun-13	EPA 300.0	

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Enervest Operating	Project Name:	148-37 PIT	
2700 Farmington Ave.	Project Number:	05123-0002	**Reported:**
Farmington NM, 87401	Project Manager:	W Gardner	17-Jun-13 17:28

Volatile Organics by EPA 8021 - Quality Control

Envirotech Analytical Laboratory

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch 1324002 - Purge and Trap EPA 5030A										
Blank (1324002-BLK1)				Prepared: 09-Jun-13 Analyzed: 12-Jun-13						
Benzene	ND	0.05	mg/kg							
Toluene	ND	0.05	"							
Ethylbenzene	ND	0.05	"							
p,m-Xylene	ND	0.05	"							
o-Xylene	ND	0.05	"							
Total Xylenes	ND	0.05	"							
Total BTEX	ND	0.05	"							
Surrogate: Bromochlorobenzene	*47.2*		*ug/L*	*50.0*		*94.4*	*80-120*			
Surrogate: 1,4-Difluorobenzene	*46.5*		*"*	*50.0*		*93.1*	*80-120*			
Surrogate: Fluorobenzene	*45.8*		*"*	*50.0*		*91.7*	*80-120*			
Duplicate (1324002-DUP1)	**Source: P306022-01**			Prepared: 09-Jun-13 Analyzed: 12-Jun-13						
Benzene	ND	0.05	mg/kg		ND				30	
Toluene	ND	0.05	"		ND				30	
Ethylbenzene	ND	0.05	"		ND				30	
p,m-Xylene	0.20	0.05	"		0.15			29.1	30	
o-Xylene	0.10	0.05	"		0.09			16.1	30	
Surrogate: Bromochlorobenzene	*52.0*		*ug/L*	*50.0*		*104*	*80-120*			
Surrogate: 1,4-Difluorobenzene	*48.9*		*"*	*50.0*		*97.7*	*80-120*			
Surrogate: Fluorobenzene	*48.1*		*"*	*50.0*		*96.2*	*80-120*			
Matrix Spike (1324002-MS1)	**Source: P306022-01**			Prepared: 09-Jun-13 Analyzed: 12-Jun-13						
Benzene	47.9		ug/L	50.0	0.20	95.3	39-150			
Toluene	50.8		"	50.0	0.48	101	46-148			
Ethylbenzene	46.6		"	50.0	0.16	92.9	32-160			
p,m-Xylene	97.3		"	100	3.01	94.3	46-148			
o-Xylene	47.9		"	50.0	1.79	92.3	46-148			
Surrogate: Bromochlorobenzene	*52.1*		*"*	*50.0*		*104*	*80-120*			
Surrogate: 1,4-Difluorobenzene	*48.0*		*"*	*50.0*		*96.1*	*80-120*			
Surrogate: Fluorobenzene	*47.7*		*"*	*50.0*		*95.3*	*80-120*			

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Enervest Operating	Project Name:	148-37 PIT	
2700 Farmington Ave.	Project Number:	05123-0002	**Reported:**
Farmington NM, 87401	Project Manager:	W Gardner	17-Jun-13 17:28

Nonhalogenated Organics by 8015 - Quality Control

Envirotech Analytical Laboratory

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch 1324006 - GRO/DRO Extraction EPA 3550C										
Blank (1324006-BLK1)				Prepared: 09-Jun-13 Analyzed: 12-Jun-13						
Gasoline Range Organics (C6-C10)	ND	4.99	mg/kg							
Diesel Range Organics (C10-C28)	ND	4.99	"							
GRO and DRO Combined Fractions	ND	4.99	"							
Duplicate (1324006-DUP1)	**Source: P306028-01**			Prepared: 09-Jun-13 Analyzed: 12-Jun-13						
Gasoline Range Organics (C6-C10)	ND	4.99	mg/kg		ND				30	
Diesel Range Organics (C10-C28)	21.7	4.99	"		17.4			22.2	30	
Matrix Spike (1324006-MS1)	**Source: P306028-01**			Prepared: 09-Jun-13 Analyzed: 12-Jun-13						
Gasoline Range Organics (C6-C10)	262	5.26	mg/kg	263	ND	99.4	75-125			
Diesel Range Organics (C10-C28)	274	5.26	"	263	17.4	97.4	75-125			

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Enervest Operating	Project Name:	148-37 PIT	
2700 Farmington Ave.	Project Number:	05123-0002	**Reported:**
Farmington NM, 87401	Project Manager:	W Gardner	17-Jun-13 17:28

Total Petroleum Hydrocarbons by 418.1 - Quality Control

Envirotech Analytical Laboratory

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch 1324011 - 418 Freon Extraction										
Blank (1324011-BLK1)				Prepared & Analyzed: 10-Jun-13						
Total Petroleum Hydrocarbons	ND	20.0	mg/kg							
Duplicate (1324011-DUP1)		**Source: P306009-01**		Prepared & Analyzed: 10-Jun-13						
Total Petroleum Hydrocarbons	21.3	20.0	mg/kg		24.0			11.7	30	
Matrix Spike (1324011-MS1)		**Source: P306009-01**		Prepared & Analyzed: 10-Jun-13						
Total Petroleum Hydrocarbons	1670	20.0	mg/kg	2000	24.0	82.2	80-120			

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Enervest Operating	Project Name:	148-37 PIT	
2700 Farmington Ave.	Project Number:	05123-0002	**Reported:**
Farmington NM, 87401	Project Manager:	W Gardner	17-Jun-13 17:28

Cation/Anion Analysis - Quality Control

Envirotech Analytical Laboratory

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch 1324009 - Anion Extraction EPA 300.0										
Blank (1324009-BLK1)				Prepared: 10-Jun-13 Analyzed: 11-Jun-13						
Chloride	ND	9.99	mg/kg							
Duplicate (1324009-DUP1)		**Source: P306004-01**		Prepared: 10-Jun-13 Analyzed: 11-Jun-13						
Chloride	26.5	10.0	mg/kg		26.3			0.616	30	

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Enervest Operating	Project Name:	148-37 PIT	
2700 Farmington Ave.	Project Number:	05123-0002	**Reported:**
Farmington NM, 87401	Project Manager:	W Gardner	17-Jun-13 17:28

Notes and Definitions

DET	Analyte DETECTED
ND	Analyte NOT DETECTED at or above the reporting limit
NR	Not Reported
dry	Sample results reported on a dry weight basis
RPD	Relative Percent Difference

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CHAIN OF CUSTODY RECORD

15424

Client:	Project Name / Location:
ENERVEST OPERATING	148-37 PC
Email results to: NET	Sampler Name:
WGARDNER@ENERVEST	L GARDNER
Client Phone No.:	Client No.:
505-320-7924	05123-0002

Sample No./ Identification	Sample Date	Sample Time	Lab No.	No./Volume of Containers	Preservative			TPH (Method 8015)	BTEX (Method 8021)	VOC (Method 8260)	RCRA 8 Metals	Cation / Anion	RCI	TCLP with H/P	CO Table 910-1	TPH (418.1)	CHLORIDE				Sample Cool	Sample Intact
					$HgCl_2$	HCl																
148-37 PC	6/7/13	10:15	P306036-01	1/4 oz				X	X							X	X				Y	Y

Relinquished by: (Signature)	Date	Time	Received by: (Signature)	Date	Time
	6/7/13	15:34		6/7/13	15:34
Relinquished by: (Signature)			Received by: (Signature)		

Sample Matrix

Soil ☒ Solid ☐ Sludge ☐ Aqueous ☐ Other ☐ _____

☐ Sample(s) dropped off after hours to secure drop off area.

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