XTO Permian Operating, LLC
An ExxonMobil Subsidiary

Kristen Houston
Regulatory Analyst
XTO Permian Operating, LLC
6401 Holiday Hill Road, Bldg 5
Midland, TX 79707

June 30, 2025

Victoria Venegas
ENMRD–Oil Conservation Division
Environmental Bureau
506 W. Texas Ave.
Artesia, NM 88210

Re: Administrative Order 2RF-219
PLU Row 2 West Recycling Containment Variance Request
Facility ID (fVV2507951055)

Victoria,

XTO Permian Operating, LLC (OGRID: 373075) respectfully requests a variance to the approved C-147 application package for the PLU Row 2 West Recycling Facility Containment (frac pond) Permit 2RF-219 Recycling Facility ID (fVV2507951055).

Due to a construction oversight, the originally specified fence height of 8 ft. was not achieved. The as-built fence height is 7 ft. XTO Permian Operating, LLC respectfully requests a variance to the as-approved C-147 application package to incorporate the as-built fence height of 7 ft.

Due to the extended height of the as-built fence, XTO Permian Operating, LLC believes that the as-built fence height of 7 ft. still provides equivalent or greater wildlife and human deterrence compared to the required 4-foot fence with at least 4 strands of barbed wire evenly spaced in intervals between 1 foot and 4 feet above ground level.

XTO Permian Operating, LLC respectfully requests that the C-147 package be amended as shown in Appendix A (below).

The originally submitted engineered fence drawings can be seen in "*CS-503.pdf*" (attached). The redlined fence drawings can be seen in "*CS-503-redlined.pdf*" (attached).

The variance will not change the Operations and Maintenance Plan, nor will the variance affect the Closure Plan.

If you have any questions or need any additional information, please feel free to contact me at (432) 894-1588.

Sincerely,

Kristen Houston

Kristen Houston
Regulatory Analyst

Appendix A

Original submission:

Part 3 – Variance Requests

3.2 Fencing

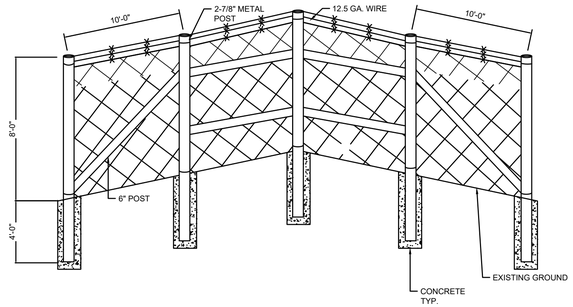
The recycling Containment will be constructed with an 8-foot-high game fence with 3 strands of barbed wire on top to deter wildlife and human access. This is a variance from the required 4-foot fence with at least 4 strands of barbed wire evenly spaced in intervals between 1 foot and 4 feet above ground level and provides equivalent or greater wildlife and human deterrence due to the extended height. The fence will be gated to provide access to XTO personnel and will be closed and locked when access is not required. In our experience this design of fencing works as well or better than the stated specification.

Revised submission (updates in red underline):

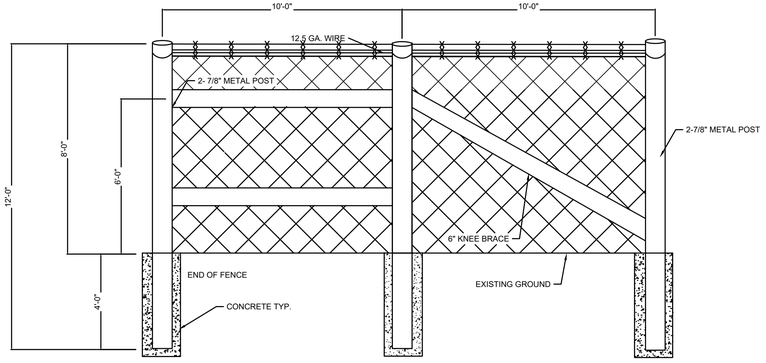
Part 3 – Variance Requests

3.2 Fencing

The recycling Containment will be constructed with a 7-foot-high game fence with 3 strands of barbed wire on top to deter wildlife and human access. This is a variance from the required 4-foot fence with at least 4 strands of barbed wire evenly spaced in intervals between 1 foot and 4 feet above ground level and provides equivalent or greater wildlife and human deterrence due to the extended height. The fence will be gated to provide access to XTO personnel and will be closed and locked when access is not required. In our experience this design of fencing works as well or better than the stated specification.



1 CORNER POST
N.T.S.



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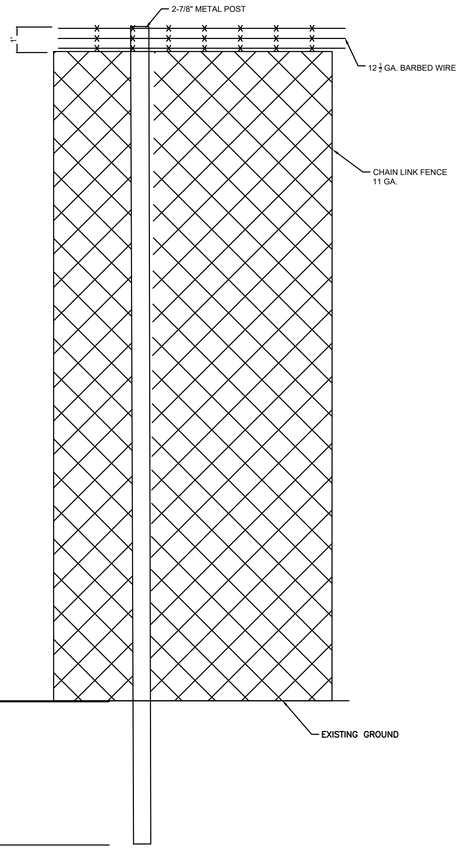
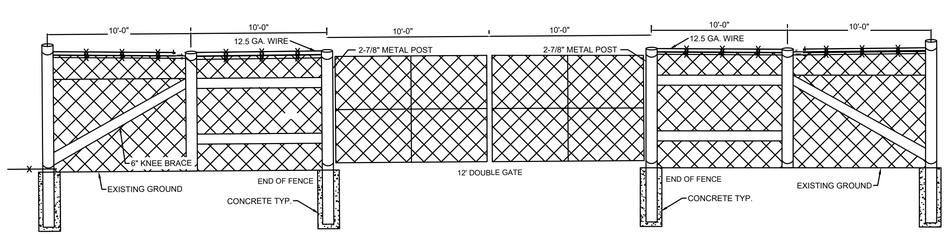


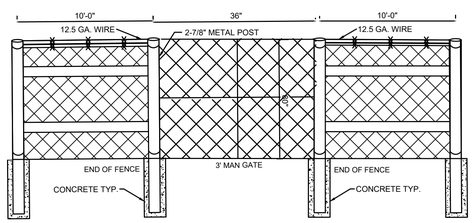
4A METAL POST
N.T.S.

3 LINE BRACE POST
N.T.S.

4 LINE POST
N.T.S.



5 GATE POSTS
N.T.S.



6 MAN GATE
N.T.S.

SquareRoot services
Engineering | Surveying
Materials Testing
7921 N World Dr.
Hobbs, NM 88242-9032
Squarerootservices.net
575-231-7347

ENGINEERING SHEET:

FENCE DETAILS

OF

PROJECT NAME:

POKER LAKE UNIT ROW 2
WEST FRAC POND

FOR

CLIENT:

XTO

PROJECT NUMBER:
24252

PROJECT ENGINEER:
JEREMY BAKER, PE

DRAWN BY:
XAVIER CLARK

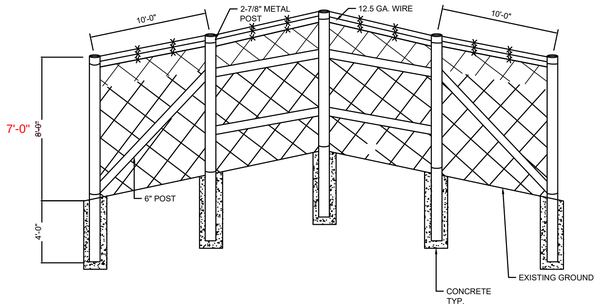
REVISIONS

No.	DATE	DESCRIPTION

PRELIMINARY

SHEET: 15 of 16

CS-503



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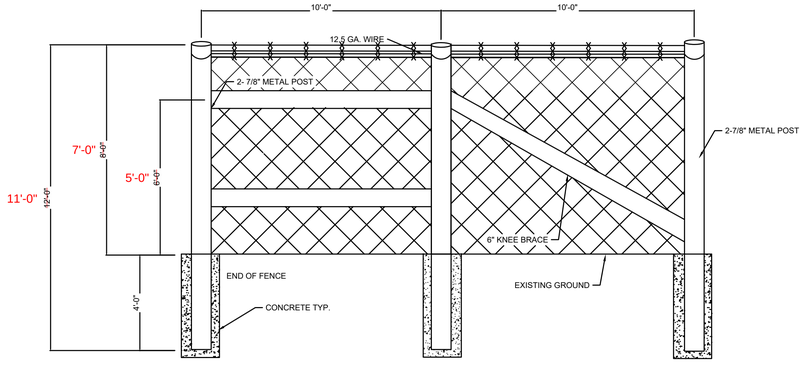

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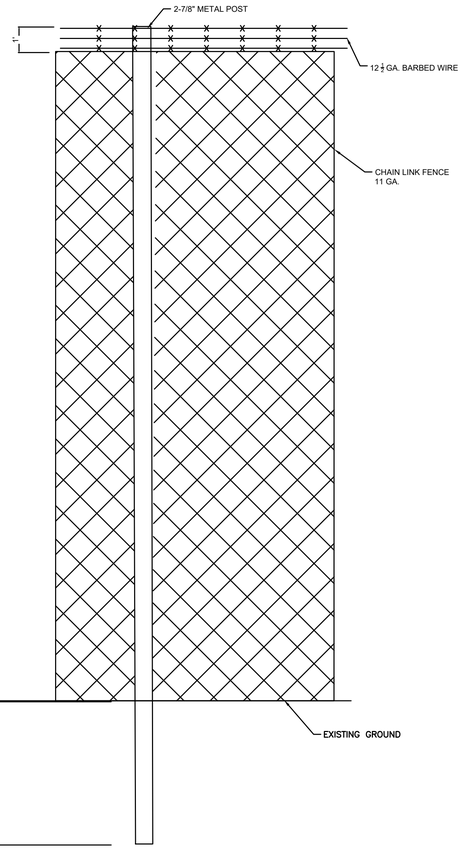

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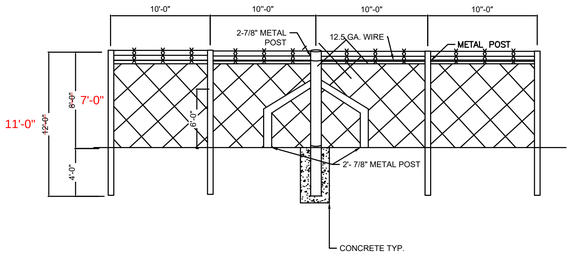
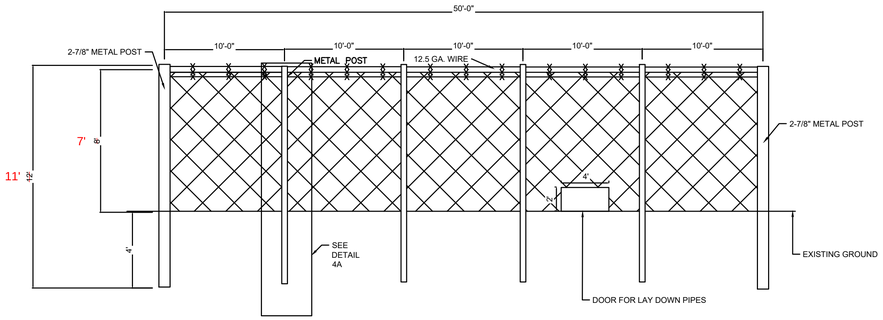


3 LINE BRACE POST
N.T.S.



4 LINE POST
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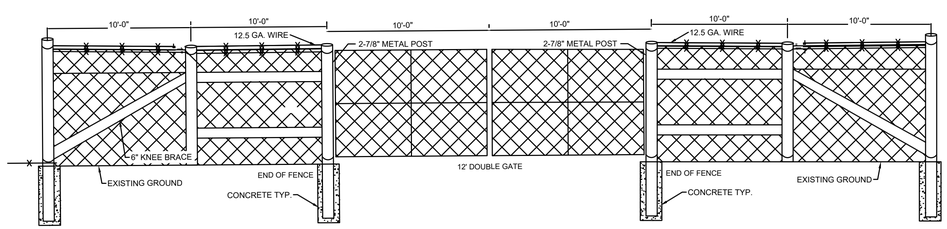

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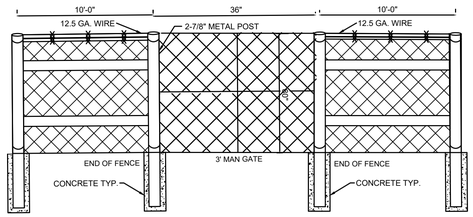
N.T.S.



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FENCE DETAILS

OF

PROJECT NAME:

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WEST FRAC POND

FOR

CLIENT:

XTO

PROJECT NUMBER:
24252

PROJECT ENGINEER:
JEREMY BAKER, PE

DRAWN BY:
XAVIER CLARK

REVISIONS

No.	DATE	DESCRIPTION

PRELIMINARY

SHEET: 15 of 16

CS-503

State of New Mexico
Energy Minerals and Natural Resources
Department Oil Conservation Division
1220 South St. Francis Dr.
Santa Fe, NM 87505
https://www.emnrd.nm.gov/ocd/ocd-e-permitting/

Form C-147
Revised October 11, 2022

Recycling Facility and/or Recycling Containment

Type of Facility: ☐ Recycling Facility ☐ Recycling Containment*****

Type of action: ☐ Permit ☐ 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: _____(For multiple operators attach page with information) OGRID #:_____

Address: _____

Facility or well name (include API# if associated with a well): _____

OCD Permit Number: _____(For new facilities the permit number will be assigned by the district office)

U/L or Qtr/Qtr _____ Section _____ Township _____ Range _____ County: _____

Surface Owner: ☐ Federal ☐ State ☐ Private ☐ Tribal Trust or Indian Allotment

2.

☐ **Recycling Facility:**

Location of recycling facility (if applicable): Latitude _____ Longitude _____ 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 _____ Longitude _____ NAD83

☐ For multiple or additional recycling containments, attach design and location information of each containment

☐ Lined ☐ Liner type: Thickness _____mil ☐ LLDPE ☐ HDPE ☐ PVC ☐ Other _____

☐ String-Reinforced

Liner Seams: ☐ Welded ☐ Factory ☐ Other _____ 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 7' game fence with 3 strands of barbed wire at the top

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.

General siting

Ground water is less than 50 feet below the bottom of the Recycling Containment. 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. - Written confirmation or verification from the municipality; written approval obtained from the municipality	☐ Yes ☒ No ☐ NA
Within the area overlying a subsurface mine. - Written confirmation or verification or map from the NM EMNRD-Mining and Minerals 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
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

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):_____ Title: _____

Signature: Kristen Houston Date: _____

e-mail address:_____ Telephone: _____

11.
OCD Representative Signature: Victoria Venegas **Approval Date:** 07/14/2025

Title: Environmental specialist **OCD Permit Number:** 2RF-219

- ☒ OCD Conditions _____
- ☒ Additional OCD Conditions on Attachment

Venegas, Victoria, EMNRD

From: Venegas, Victoria, EMNRD
Sent: Monday, July 14, 2025 3:27 PM
To: Houston, Kristen /C
Subject: 2RF-219 - PLU ROW 2 WEST FRAC POND [fVV2507951055]
Attachments: C-147 2RF-219 - PLU ROW 2 WEST FRAC POND [fVV2507951055] 07.14.2025.pdf

2RF-219 - PLU ROW 2 WEST FRAC POND [fVV2507951055]

Good afternoon Ms. Houston,
NMOCD has reviewed the permit modification and related documents, submitted by [373075] XTO PERMIAN OPERATING LLC on 07/03/2025, Application ID **481558**, for 2RF-219 - PLU ROW 2 WEST FRAC POND [fVV2507951055] in P-17-24S-30E, Eddy County, New Mexico. Due to a construction oversight, the originally specified fence height of 8 ft. was not achieved. The as-built fence height is 7 ft. XTO Permian Operating LLC has requested a variance to the as-approved C-147 application package to incorporate the as-built fence height of 7 ft.

- The modification request to the approved variance to install a wire mesh, game fence, seven (7) feet in height, instead of the originally permitted fence height of 8 ft is approved.

Please let me know if you have any additional questions.
Best regards,

Victoria Venegas ● Environmental Specialist Advanced
EMNRD - Oil Conservation Division
506 W. Texas Ave. Artesia, NM 88210
575.909.0269 | **Victoria.Venegas@emnrd.nm.gov**

Sante Fe Main Office
Phone: (505) 476-3441

General Information
Phone: (505) 629-6116

Online Phone Directory
https://www.emnrd.nm.gov/ocd/contact-us

State of New Mexico
Energy, Minerals and Natural Resources
Oil Conservation Division
1220 S. St Francis Dr.
Santa Fe, NM 87505

CONDITIONS

Action 481558

CONDITIONS

Operator: XTO PERMIAN OPERATING LLC. 6401 HOLIDAY HILL ROAD MIDLAND, TX 79707	OGRID: 373075
	Action Number: 481558
	Action Type: [C-147] Water Recycle Long (C-147L)

CONDITIONS

Created By	Condition	Condition Date
vvenegas	• The modification request to the approved variance to install a wire mesh, game fence, seven (7) feet in height, instead of the originally permitted fence height of 8 ft is approved.	7/14/2025