District I 1625 N French Dr., Hobbs, NM 88240 District II 1301 W. Grand Avenue, 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

OCT 28 2008

Form C-144 July 21, 2008

For temporary pits, closed-loop systems, and below-grade tanks, submit to the appropriate NMOCD District Office.

For permanent pits and exceptions submit to the Santa Fe Environmental Bureau office and provide a copy to the appropriate NMOCD District Office.

# Pit, Closed-Loop System, Below-Grade Tank, or Proposed Alternative Method Permit or Closure Plan Application

| Type of action:  Permit of a pit, closed-loop system, below-grade tank, or proposed alternative method  Closure of a pit, closed-loop system, below-grade tank, or proposed alternative method  Modification to an existing permit  Closure plan only submitted for an existing permitted or non-permitted pit, closed-loop system, below-grade tank, or proposed alternative method |
|--|
| Instructions: Please submit one application (Form C-144) per individual pit, closed-loop system, 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                                       |
| Operator: Burnt Oil C. Inc. OGRID#: 3080   |
| Address: 801 Charry St. Suite 1500 Ft. Worth Tx 76102  |
| Facility or well name: Jackson B # 19  |
| API Number: 30 · 015 · 04041 OCD Permit Number:  |
| U/L or Qtr/Qtr P Section Township 17 Range 30 County:  |
| Center of Proposed Design: Latitude Longitude NAD: 1927 1983   |
| Surface Owner: X Federal State Private Tribal Trust or Indian Allotment  |
| Pett: Subsection F or G of 19.15.17.11 NMAC  Temporary: Drilling Workover    Permanent   Emergency   Cavitation   P&A   Lined   Unlined   Liner type: Thickness   2 mil   LLDPE   HDPE   PVC   Other     String-Reinforced   Liner Seams: Welded   Factory   Other   Volume:   25   bbl   Dimensions: L  |
| Below-grade tank: Subsection I of 19.15.17.11 NMAC  Volume:bbl Type of fluid:  Tank Construction material:  Secondary containment with leak detection  |
| 5.  Alternative Method:  Submittal of an exception request is required. Exceptions must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.  |

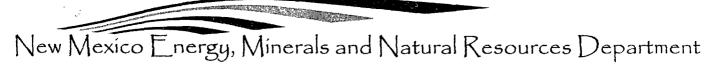
| Fencing: Subsection D of 19.15.17.11 NMAC (Applies to permanent pits, temporary pits, and below-grade tanks)  Chain link, six fect in height, two strands of barbed wire at top (Required if located within 1000 feet of a permanent residence, school institution or church)  Four foot height, four strands of barbed wire evenly spaced between one and four feet  Alternate. Please specify  | l, hospital, |  |  |
|--|--------------|--|--|
| 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)   |              |  |  |
| 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 15.3.103 NMAC   |              |  |  |
| 9. Administrative Approvals 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:  Administrative approval(s): Requests must be submitted to the appropriate division distinct or the Santa Fe Environmental Bureau office for consideration of approval  Exception(s). Requests must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.  |              |  |  |
| 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. Requests regarding changes to certain siting criteria may require administrative approval from the appropriate district office or may be considered an exception which must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.  Applicant must attach justification for request. Please refer to 19.15.17.10 NMAC for guidance. Siting criteria does not apply to drying pads or above-grade tanks associated with a closed-loop system. |              |  |  |
| Ground water is less than 50 feet below the bottom of the temporary pit, permanent pit, or below-grade tank.  - NM Office of the State Engineer - IWATERS database search; USGS; Data obtained from nearby wells   | ☐ 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 300 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application.  (Applies to temporary, emergency, or cavitation pits and below-grade tanks)  - Visual inspection (certification) of the proposed site; Aerial photo; Satellite image  | Yes No       |  |  |
| Within 1000 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application.  (Applies to permanent pits)  Visual inspection (certification) of the proposed site; Aerial photo; Satellite image   | Yes No       |  |  |
| Within 500 horizontal feet of a private, domestic fresh water well or spring that less than five households use for domestic or stock watering purposes, or within 1000 horizontal feet of any other fresh water well or spring, 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 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 500 feet of a wetland.  - US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site  | ☐ Yes 🔀 No   |  |  |
| Within the area overlying a subsurface mine.  - Written confirmation or venfication or map from the NM EMNRD-Mining and Mineral Division   | ☐ Yes 🙀 No   |  |  |
| <ul> <li>Within an unstable area.</li> <li>Engineering measures incorporated into the design; NM Bureau of Geology &amp; Mineral Resources; USGS; NM Geological Society, Topographic map</li> </ul>  | ☐ Yes 🕅 No   |  |  |
| Within a 100-year floodplain FEMA map  | ☐ Yes 🕅 No   |  |  |

| 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:   |
|---|
| 12.   |
| Closed-loop Systems 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.   |
| Geologic and Hydrogeologic Data (only for on-site closure) - based upon the requirements of Paragraph (3) of Subsection B of 19.15.17.9  Siting Criteria Compliance Demonstrations (only for on-site closure) - 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:   |
| Previously Approved Operating and Maintenance Plan API Number: (Applies only to closed-loop system that use   |
| above ground steel tanks or haul-off bins and propose to implement waste removal for closure)   |
| 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   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 <sub>2</sub> S, 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 |
| 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  Closed-loop System  |
| ☐ 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 (Exceptions must be submitted to the Santa Fe Environmental Bureau for consideration)  |
| 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 F 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 G of 19.15.17.13 NMAC   |

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| Waste Removal Closure For Closed-loop Systems That Utilize Above Ground Ste Instructions: Please indentify the facility or facilities for the disposal of liquids, dri   | el Tanks or Haul-off Bins Only: (19.15.17.13.<br>Using fluids and drill cuttings. Use attachment if   | D NMAC)<br>more than two |
|--|---|--------------------------|
| facilities are required.  Disposal Facility Name CRI  Disposal Facility Name   | sposal Facility Permit Number: Nm - 0   | 1 - 800/2                |
| -  | sposal Facility Permit Number:  |                          |
| Will any of the proposed closed-loop system operations and associated activities occu  Yes (If yes, please provide the information below)  No  | - · · · · · · · · · · · · · · · · · · ·   |                          |
| Required for impacted areas which will not be used for future service and operations.    Soil Backfill and Cover Design Specifications based upon the appropriate re   Re-vegetation Plan - based upon the appropriate requirements of Subsection I o   Site Reclamation Plan - based upon the appropriate requirements of Subsection  | f 19.15.17.13 NMAC  | С                        |
| Sting Criteria (regarding on-site closure methods only): 19.15.17.10 NMAC Instructions: Each string criteria requires a demonstration of compliance in the cloprovided below. Requests regarding changes to certain siting criteria may require a considered an exception which must be submitted to the Santa Fe Environmental Bademonstrations of equivalency are required. Please refer to 19.15.17.10 NMAC for   | dministrative approval from the appropriate dist<br>ureau office for consideration of approval. Justi | rict office or may be    |
| Ground water is less than 50 feet below the bottom of the buried waste, - NM Office of the State Engineer - IWATERS database search; USGS; Data of   | otained from nearby wells   | ☐ Yes ☐ No<br>☐ NA       |
| Ground water is between 50 and 100 feet below the bottom of the buried waste - NM Office of the State Engineer - tWATERS database search; USGS; Data of  | otained from nearby wells   | ☐ Yes ☐ No<br>☐ 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 of   | otained from nearby wells   | ☐ Yes ☐ No<br>☐ NA       |
| Within 300 feet of a continuously flowing watercourse, or 200 feet of any other significate (measured from the ordinary high-water mark).  Topographic map; Visual inspection (certification) of the proposed site   | cant watercourse or lakebed, sinkhole, or playa   | ☐ Yes ☐ No               |
| Within 300 feet from a permanent residence, school, hospital, institution, or church in Visual inspection (certification) of the proposed site; Aerial photo, Satellite im   |   | ☐ Yes ☐ No               |
| Within 500 horizontal feet of a private, domestic fresh water well or spring that less th watering purposes, or within 1000 horizontal feet of any other fresh water well or spring - NM Office of the State Engineer - WATERS database; Visual inspection (cer  | ng, in existence at the time of initial application.  | ☐ Yes ☐ No               |
| Within incorporated municipal boundaries or within a defined municipal fresh water wadopted pursuant to NMSA 1978, Section 3-27-3, as amended.  - Written confirmation or verification from the municipality; Written approval of  |   | ☐ Yes ☐ No               |
| Within 500 feet of a wetland.  - US Fish and Wildlife Wetland Identification map; Topographic map; Visual in   | spection (certification) of the proposed site   | ☐ Yes ☐ No               |
| Within the area overlying a subsurface mine.  Written confirmation or verification or map from the NM EMNRD-Mining an  | d Mineral Division  | ☐ Yes ☐ No               |
| Within an unstable area.  - Engineering measures incorporated into the design; NM Bureau of Geology & Society; Topographic map   | Mineral Resources; USGS; NM Geological  | ☐ Yes ☐ No               |
| Within a 100-year floodplain FEMA map  |   | ☐ Yes ☐ No               |
| 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 F of 19.15.17.13 NMAC  Construction/Design Plan of Burial Trench (if applicable) based upon the appropriate requirements 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 19.15.17.13 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 Subsection F of 19.15.17.13 NMAC  Waste Material Sampling Plan - based upon the appropriate requirements of Subsection F 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 I of 19.15.17.13 NMAC  Re-vegetation Plan - based upon the appropriate requirements of Subsection I of 19.15.17.13 NMAC  Site Reclamation Plan - based upon the appropriate requirements of Subsection G of 19.15.17.13 NMAC |   |                          |

| 19. 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): Belton Mathews Title: Superintendent  |     |  |
| Signature:  |     |  |
| Signature:  |     |  |
| 20. OCD Approval: Permit Application (including closure plan) Closure Plan (only) OCD Conditions (see attachment)   |     |  |
| OCD Representative Signature: Signed By Mile Beauce Approval Date: DEC 0.1 2008   |     |  |
| Title: OCD Permit Number:   |     |  |
| Closure Report (required within 60 days of closure completion): Subsection K of 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:  |     |  |
| 22.  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.   |     |  |
| 13. Closure Report Regarding Waste Removal Closure For Closed-loop Systems That Utilize Above Ground Steel Tanks or Haul-off Bins Only: Instructions: Please indentify the facility or facilities for where the liquids, drilling fluids and drill cuttings were disposed. Use attachment if more that two facilities were utilized.  |     |  |
| Disposal Facility Name: Disposal Facility Permit Number:  | - 1 |  |
| Disposal Facility Name: Disposal Facility Permit Number:  | -   |  |
| Yes (If yes, please demonstrate compliance to the items below) No  Required for impacted areas which will not be used for future service and operations:  |     |  |
| Site Reclamation (Photo Documentation)   Soil Backfilling and Cover Installation   Re-vegetation Application Rates and Seeding Technique  |     |  |
| 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) 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 |     |  |
| is<br>Operator Closure Certification:   | 司   |  |
| 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): Title:  |     |  |
| Signature: Date:  |     |  |
| e-mail address: Telephone:  | -   |  |



### **Bill Richardson**

Governor

Joanna Prukop Cabinet Secretary Reese Fullerton Deputy Cabinet Secretary Mark Fesmire
Division Director
Oil Conservation Division



## Conditions of approval for closure of a drilling or workover pit

Notify OCD District 2 office 48 hours prior to commencement of closure activities.

Notify OCD District 2 office 48 hours prior to obtaining samples where analyses of samples obtained are to be submitted to OCD.

Sampling requirements are listed in 19.15.17.13 [NMAC] (Pit Rule)

Final closure report is to be submitted to OCD not later than 60 days after completion of closure.



#### CLOSURE PLAN

After all contents have been removed from pit, either approved for on site trench burial or excavated and hauled to an OCD approved facility.

- 1) Make sure pit liner and contents are properly disposed of.
- 2) Sample bottom of pit below liner. Conduct a five point composite sample. Sample should be analyzed for BTEX, TPH and Chloride.
- 3) Take results to OCD to get permission to continue closure or proceed to <u>BACKUP</u> <u>PLAN</u>.
- 4) If sampling demonstrates that a release has not occurred and meets applicable concentrations, backfilling can proceed.
- 5) Will backfill the excavation area with non-waste containing earthen material.
- 6) Will construct a soil cover that will restore and revegetate the site. Per subsection G, H and I of 19.15.17.13 NMAC.
- 7) File final closure, C-144.

#### **BACKUP PLAN**

Only if analytical does not demonstrate bottom of excavation is within guidelines for closing.

- 1) Notify the OCD on C-141.
- 2) Additional delineation may be required by OCD depending on analytical.
- 3) Comply with 19.15.3 Rule 116.
- 4) Continue cleaning up site.

Groundwater 300 ft +

