

BW-37 DISCHARGE PERMIT APPROVAL CONDITIONS

All discharge permits are subject to Water Quality Control Commission (WQCC) regulations.

1. GENERAL PROVISIONS:

1.A. PERMITTEE AND PERMITTED FACILITY: The Director of the Oil Conservation Division (OCD) of the Energy, Minerals and Natural Resources Department issues this Discharge Permit Renewal for BW-37 (Discharge Permit) to Llano Disposal, LL.C. (Permittee) to operate a Underground Injection Control (UIC) Class III Brine Well for the solution mining of salt (State '4' Brine Supply Well No. 1 API No. 30-025-26370) located 1,980 FNL 660 FWL, UL: E (SW/4 NW/4) of Section 4, Township 13 South, Range 36 East, Lat. 32.22251° Long. 103.31548° (NAD83), NMPM, Lea County, New Mexico. The brine well is located approximately 2.4 miles South of Hwy. 206 from the City of Tatum intersection of 380 E. Broadway St.) and Hwy. 206 (N. Main St.) and approximately 600 ft. East of Hwy. 206. The well and surface facilities are located on the Tatum Brine Station Property. A new freshwater supply well is located within 200 ft. of the brine well and is constructed with a buried 3-inch polyethylene injection pipeline to the brine well. The brine station consists of one 500 bbl fiberglass tank, and three 1,000 bbl fiberglass tanks with a berm and lined containment area. Produced brine is metered at surface and transported approximately 200 ft. via a buried pipeline to the brine station for sale.

The Permittee is permitted to inject freshwater into the subsurface salt layers and produce brine for use in the oil and gas industry. Groundwater that may be affected by a spill, leak, or accidental discharge of brine occurs at a depth of approximately 107 feet below ground surface and has a total dissolved solids (TDS) concentration of approximately 565 mg/L.

1.B. SCOPE OF PERMIT: OCD has been granted the authority by statute and by delegation from the Water Quality Control Commission (WQCC) to administer the Water Quality Act (Chapter 74, Article 6 NMSA 1978) as it applies to Class III Brine Wells associated with the oil and gas industry (See Section 74-6-4, 74-6-5 NMSA 1978). The Water Quality Act and the rules promulgated pursuant to the Act protect groundwater and surface water of the State of New Mexico by providing that, unless otherwise allowed by 20.6.2 NMAC, no person shall cause or allow effluent or leachate to discharge so that it may move directly or indirectly into groundwater unless such discharge is pursuant to an approved discharge plan (See 20.6.2.3104 NMAC, 20.6.2.3106 NMAC, and 20.6.2.5000 through 20.6.2.5299 NMAC).

This Discharge Permit for a Class III Brine Well is issued pursuant to the Water Quality Act and WQCC rules, 20.6.2 NMAC. This Discharge Permit does not authorize any treatment of, or on-site disposal of, any materials, product, by-product, or oil-field waste.

Pursuant to 20.6.2.5004A NMAC, the following underground injection activities are prohibited:

1. Injection of fluids into a motor vehicle waste disposal well is prohibited.
2. Injection of fluids into a large capacity cesspool is prohibited.
3. Injection of any hazardous or radioactive waste into a well is prohibited except as provided by 20.6.2.5004A(3) NMAC.
4. Class IV wells are prohibited, except for wells re-injecting treated groundwater into the same formation from which it was drawn as part of a removal or remedial action.
5. Barrier wells, drainage wells, recharge wells, return flow wells, and motor vehicle waste disposal wells are prohibited.

This Discharge Permit does not convey any property rights of any sort nor any exclusive privilege, and does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of state, federal, or local laws, rules or regulations.

The Permittee shall operate the well in accordance with the terms and conditions specified in this Discharge Permit to

comply with the Water Quality Act and the rules issued pursuant to that Act, so that neither a hazard to public health nor undue risk to property will result (see 20.6.2.3109C NMAC); so that no discharge will cause or may cause any stream standard to be violated (see 20.6.2.3109H(2) NMAC); so that no discharge of any water contaminant will result in a hazard to public health, (see 20.6.23109H(3) NMAC); so that the numerical standards specified in 20.6.2.3103 NMAC are not exceeded; and that the technical criteria and performance standards (see 20.6.2.5000 through 20.6.2.5299 NMAC) for Class III wells are met. Pursuant to 20.6.2.5003B NMAC, the Permittee shall comply with 20.6.2.1 through 20.6.2.5299 NMAC.

The Permittee shall not allow or cause water pollution, discharge, or release of any water contaminant that exceeds the Water Quality Control Commission (WQCC) standards specified at 20.6.2.3101 NMAC and 20.6.2.3103 NMAC or 20.6.4 NMAC (Water Quality Standards for Interstate and Intrastate Streams). Pursuant to 20.6.2.5101A NMAC, the Permittee shall not inject non-hazardous fluids into groundwater having 10,000 mg/l or less total dissolved solids (IDS).

The issuance of this permit does not relieve the Permittee from the responsibility of complying with the provisions of the Water Quality Act, any applicable regulations or water quality standards of the WQCC, or any applicable federal laws, regulations or standards (See Section 74-6-5 NMSA 1978) to be violated (see 20.6.2.3109H(2) NMAC); so that no discharge of any water contaminant will result in a hazard to public health, (see 20.6.23109H(3) NMAC); so that the numerical standards specified in 20.6.2.3103 NMAC are not exceeded; and, so that the technical criteria and performance standards (see 20.6.2.5000 through 20.6.2.5299 NMAC) for a Class III well are met. Pursuant to 20.6.2.5003B NMAC, the Permittee shall comply with 20.6.2.1 through 20.6.2.5299 NMAC.

The Permittee shall not allow or cause water pollution, discharge, or release of any water contaminant that exceeds the WQCC standards specified at 20.6.2.3101 NMAC and 20.6.2.3103 NMAC or 20.6.4 NMAC (Water Quality Standards for Interstate and Intrastate Streams). Pursuant to 20.6.2.5101A NMAC, the Permittee shall not inject non-hazardous fluids into groundwater having 10,000 mg/l or less total dissolved solids (TDS).

The issuance of this permit does not relieve the Permittee from the responsibility of complying with the provisions of the Water Quality Act, any applicable regulations or water quality standards of the WQCC, or any applicable federal laws, regulations or standards (See Section 74-6-5 NMSA 1978).

1.C. DISCHARGE PERMIT: This Discharge Permit is considered a new permit application because the deadline for renewal was missed by the Permittee. Future replacement of a prior permit does not relieve the Permittee of its responsibility to comply with the terms of that prior permit while that permit was in effect.

1.D. DEFINITIONS: Terms not specifically defined in this Discharge Permit shall have the same meanings as those in the Water Quality Act or the rules adopted pursuant to the Act, as the context requires.

1.E. FILING FEES AND PERMIT FEES: Pursuant to 20.6.2.3114 NMAC, every facility that submits a Discharge Permit application for initial approval or renewal shall pay the permit fees specified in Table 1 and the filing fee specified in Table 2 of 20.6.2.3114 NMAC. OCD has already received the required \$100.00 filing fee. The Permittee is now required to submit the \$1,700.00 permit fee for a Class III injection well. Please remit payment made payable to the "Water Quality Management Fund" in care of OCD at 1220 South St. Francis Drive in Santa Fe, New Mexico 87505.

1.F. EFFECTIVE DATE, EXPIRATION, RENEWAL CONDITIONS, AND PENALTIES FOR OPERATING WITHOUT A DISCHARGE PERMIT: This Discharge Permit becomes effective immediately from the date that the Permittee receives this discharge permit or until the permit is terminated or expires. This Discharge Permit will **expire on March 28, 2028**. The Permittee shall submit an application for renewal no later than 120 days before the expiration date, pursuant to 20.6.2.5101F NMAC. If a Permittee submits a renewal application at least 120 days before the Discharge Permit expires and is in compliance with the approved Discharge Permit, the existing Discharge Permit will not expire until OCD has approved or disapproved the renewal application. A discharge permit continued under this provision remains fully effective and enforceable.

Operating with an expired Discharge Permit may subject the Permittee to civil and/or criminal penalties (See Section 74-6-10.1 NMSA 1978 and Section 74-6-10.2 NMSA 1978).

1.G. MODIFICATIONS AND TERMINATIONS: The Permittee shall notify the OCD Director and OCD's Engineering Bureau of any Facility expansion or process modification (See 20.6.2.3107C NMAC). The OCD Director may require the Permittee to submit a Discharge Permit modification application pursuant to 20.6.2.3109E NMAC and may modify or terminate a Discharge Permit pursuant to 20.6.2.5101I NMAC or Sections 74-6-5(M) through (N) NMSA 1978.

1. If data submitted pursuant to any monitoring requirements specified in this Discharge Permit or other information available to the OCD Director indicate that 20.6.2 NMAC is being or may be violated, then the OCD Director may require modification or, if it is determined by the OCD Director that the modification may not be adequate, may terminate this Discharge Permit for a Class III well that was approved pursuant to the requirements of 20.6.2.5000 through 20.6.2.5299 NMAC for the following causes:

- a. Noncompliance by Permittee with any condition of this Discharge Permit; or,
- b. The Permittee's failure in the discharge permit application or during the discharge permit review process to disclose fully all relevant facts, or Permittee's misrepresentation of any relevant facts at any time; or,
- c. A determination that the permitted activity may cause a hazard to public health or undue risk to property and can only be regulated to acceptable levels by discharge permit modification or termination (See Section 75-6-6 NMSA 1978; 20.6.2.5101I NMAC; and 20.6.2.3109E NMAC).

2. This Discharge Permit may also be modified or terminated for any of the following causes:

- a. Violation of any provisions of the Water Quality Act or any applicable regulations, standard of performance or water quality standards;
- b. Violation of any applicable state or federal effluent regulations or limitations; or
- c. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge (See Section 75-6-5M NMSA 1978).

1.H. TRANSFER OF CLASS III WELL DISCHARGE PERMIT:

1. The transfer provisions of 20.6.2.3111 NMAC do not apply to a discharge permit for a Class III well.

2. Pursuant to 20.6.2 5101H NMAC, the Permittee may request to transfer its Class III well discharge permit if:

- a. The OCD Director receives written notice 30 days prior to the transfer date; and
- b. The OCD Director does not object prior to the proposed transfer date. OCD may require modifications to the discharge permit as a condition of transfer, and may require demonstration of adequate financial responsibility.

3. The written notice required in accordance with 20.6.2.5101H.1 and 20.6.2.5101H.2.a NMAC shall:

- a. Have been signed by the Permittee and the succeeding Permittee, and shall include an acknowledgement that the succeeding Permittee shall be responsible for compliance with the Class III well discharge permit upon taking possession of the facility;
- b. Set a specific date for transfer of the discharge permit responsibility, coverage and liability; and
- c. Include information relating to the succeeding Permittee's financial responsibility required by 20.6.2.5210B(17)NMAC.

1.I. COMPLIANCE AND ENFORCEMENT: If the Permittee violates or is violating a condition of this Discharge Permit, OCD may issue a compliance order that requires compliance immediately or within a specified time period, or assess a civil penalty, or both (See Section 74-6-10 NMSA 1978). The compliance order may also include a suspension or termination of this Discharge Permit. OCD may also commence a civil action in District Court for appropriate relief, including injunctive relief (See Section 74-6-10(A)(2) NMSA 1978). The Permittee may be subject to criminal penalties for discharging a water contaminant without a discharge permit or in violation of a condition of a discharge permit; making any false material statement, representation, certification or omission of material fact in a renewal application, record, report, plan or other document filed, submitted or required to be maintained under the Water Quality Act; falsifying, tampering with or rendering inaccurate any monitoring device, method or record required to be maintained under the Water Quality Act; or failing to monitor, sample or report as required by a Discharge Permit issued pursuant to a state or federal law or regulation (See Section 74-6-10.2 NMSA 1978).

2. GENERAL FACILITY OPERATIONS:

2.A. QUARTERLY MONITORING REQUIREMENTS FOR CLASS III WELLS: The Permittee may use either or both freshwater and/or freshwater from otherwise non-potable sources. Pursuant to 20.6.2.5207C NMAC, the Permittee shall provide analysis of the injected fluids and brine at least quarterly to yield data representative of their characteristics. The Permittee shall analyze both the injected fluids and produced brine for the following characteristics: pH; specific gravity, density, concentration of total dissolved solids (TDS); chloride concentration; and sodium concentration (for brine only).

1. Monitor Well: In advance or start-up of brine well operations, unless already completed, the Permittee shall install a hydrogeologic downgradient monitor well into the water table aquifer within 50 ft. of the brine well and collect a background groundwater sample for general chemistry and WQCC 20.6.2.3103 NMAC groundwater constituents and Methanol (EPA Method 8015B).

Environmental groundwater quality sampling and analytical laboratory data results shall comply with EPA Quality Assurance/Quality Control (QA/QC) and Data Quality Objectives (DQOs) and be submitted to OCD for approval before start-up of brine production unless already completed. The monitor well construction shall comply with EPA Standards and is required to be sampled and monitored **annually** thereafter for the following characteristics:

- Methanol (Method 8015B);
- pH (Method 9040);
- Eh;
- Specific conductance;
- Specific gravity;
- Temperature; and
- General groundwater quality parameters (general chemistry cations and anions including fluoride, calcium, potassium, magnesium, sodium bicarbonate, carbonate, chloride, sulfate, total dissolved solids, cation/anion balance, pH, and bromide using the method(s) specified in 40 CFR 136.3).

The environmental data results shall be reported in the Annual Report (Permit Condition 2.J).

2.B. SOLUTION CAVERN MONITORING PROGRAM:

1. Surface Subsidence Monitoring Plan: The Permittee shall submit a Surface Subsidence Monitoring Plan to OCD within 180 days of the effective date of this permit unless already completed. The Surface Subsidence Monitoring Plan shall specify that the Permittee will install at least three survey monuments and shall include a proposal to monitor or survey the elevation of the monuments and top of well casing.

The Permittee shall survey each monument and top of well casing at least semiannually to monitor for possible surface subsidence and shall tie each survey to the nearest USGS geodetic benchmark. The Permittee shall employ a licensed professional surveyor to conduct the subsidence monitoring program with proper instrument accuracy assessment at the conclusion of each survey. The Permittee shall submit the results of all subsidence surveys with summary of results and any recommendations to OCD within 15 days of survey completion. If the monitored surface subsidence survey at any measuring point reaches 0.10 ft. compared to its baseline elevation, then the Permittee shall notify OCD within 30 days of survey completion for further instructions. If survey results continue to demonstrate subsidence over time, and the Permittee cannot demonstrate the integrity of the cavern and well to the satisfaction of OCD, then it shall cease all brine production and submit a corrective action plan to mitigate the subsidence.

The Permittee shall include the above information in the Annual Report (Permit Condition 2.J).

2. Solution Cavern Characterization Program: The Permittee shall submit a Solution Cavern Characterization Plan to characterize the size and shape of the solution cavern using geophysical methods within 180 days of the effective date of this permit, unless already completed. The Permittee shall characterize the size and shape of the solution cavern using a geophysical or alternate method(s) approved by OCD at least once before the expiration date of the permit. The Permittee shall demonstrate that at least 90% of the calculated volume of salt removed based upon injection and production volumes has been accounted for based on the approved method(s) for such testing to be considered truly representative.

a. The Permittee shall provide an estimate of the size, shape and safety ratio factor (D/H : where D is the estimated maximum cavern diameter relative to the depth of casing shoe (ft./ft.)) of the solution cavern at least annually in the Annual Report (Permit Condition 2.J). The mathematical algorithm for a “right circular cone- RCC” is allowed for cavern volume estimation based on cumulative brine production data.

1. A salt cavern depth sounding shall be completed within 4-years of permit issuance to determine the base of the cavern for an accurate cavern height determination used in the RCC estimation of maximum cavern diameter, or completion of a well sonar test to accomplish the same objective of the sounding if a sounding is unobtainable.

b. The Permittee shall apply a mathematical “Relative Percent Difference- RPD” comparison of the monthly volumes of freshwater injected versus the volume of produced brine. If the average ratio of injected fluid to produced brine volumes varies by greater than 15%, the Permittee shall report this to OCD and cease injection and production operations of its Class III brine well within 24 hours. The Permittee shall begin an investigation to determine the cause of this abnormal ratio within 72 hours. The Permittee shall submit to OCD a report of its investigation within 15 days of cessation of injection and production operations of its Class III well for further instructions.

3. Annual Certification: The Permittee shall certify annually in the Annual Report (Permit Condition 2.J) that continued salt solution mining will not cause cavern collapse, surface subsidence, property damage, or otherwise threaten public health and the environment, based on geological, geophysical, engineering and/or approved mathematical algorithmic estimation method based on cumulative brine production data.

If the solution cavern is determined by either OCD or the Permittee to be potentially unstable or unsafe by either direct, indirect or estimation means, then the Permittee shall cease all fluid injection and brine production operations within 24 hours. If the Permittee ceases operations because it or OCD has determined that the solution cavern is unstable or unsafe, then it shall submit a plan to stabilize the solution cavern within 30 days. OCD may require the Permittee to implement additional subsidence monitoring, testing, and/or conduct additional

corrective action.

2.C. CONTINGENCY PLAN: The Permittee shall implement its proposed contingency plan(s) included in its Permit Application and following the E-Permitting submittal approach under Release Reporting (Permit Condition 2.G) to the OCD to address a failure of any Permit Condition(s) in the Discharge Permit.

2.D. CLOSURE: Prior to closure of the facility, the Permittee shall submit via E-Permitting for OCD's approval, a closure plan including a completed form C-103X for plugging and abandonment of the Class III well. The Permittee shall plug and abandon its well pursuant to 20.6.2.5209 NMAC and as specified in Permit Conditions 2I and 5.B to address: well plug and abandonment, land surface restoration; environmental groundwater monitoring (if applicable); pipeline abandonment; and five years of semi-annual surface subsidence monitoring and/or to be determined based on historical monitoring data at the time of closure.

1. Pre-Closure Notification: Pursuant to 20.6.2.5005A NMAC, the Permittee shall submit a pre-closure notification to OCD's Engineering Bureau at least 30 days prior to the date that it proposes to close or to discontinue operation of its Class III well. Pursuant to 20.6.2.5005B NMAC, OCD's Engineering Bureau must approve all proposed well closure activities before the Permittee may implement its proposed closure plan.

2. Required Information: The Permittee shall provide OCD's Engineering Bureau with the following information:

- Name of facility;
- Address of facility;
- Name of Permittee (and owner or operator, if appropriate);
- Address of Permittee (and owner or operator, if appropriate);
- Contact person;
- Phone number;
- Number and type of well(s);
- Year of well construction;
- Well construction details;
- Type of discharge;
- Average flow (gallons **per** day);
- Proposed well closure activities (e.g., sample fluids/sediment, appropriate disposal of remaining fluids/sediments, remove well and any contaminated soil, clean out well, install permanent plug, conversion to other type of well, groundwater and vadose zone investigation, other);
- Proposed date of well closure;
- Proposed method and date of surface restoration;
- Proposed method and date of pipeline abandonment;
- Name of preparer; and
- Date.

2.E. PLUGGING AND ABANDONMENT PLAN: Pursuant to 20.6.2.5209A NMAC, when the Permittee proposes to plug and abandon its Class III well, it shall submit to OCD a plugging and abandonment plan that meets the requirements of 20.6.23109C NMAC, 20.6.2.5101C NMAC, and 20.6.2.5005 NMAC for protection of groundwater. If requested by OCD, Permittee shall submit for approval prior to closure, a revised or updated plugging and abandonment plan. The obligation to implement the plugging and abandonment plan as well as the requirements of the plans survives the termination or expiration of this Discharge Permit. The Permittee shall comply with 20.6.2.5209 NMAC.

2.F. RECORD KEEPING: The Permittee shall maintain records of all inspections, surveys, investigations, etc., required by this Discharge Permit at its facility office for a minimum of five years and shall make records available for inspection at the request of an OCD Representative.

2.G. RELEASE REPORTING: The Permittee shall comply with the following Permit Conditions, pursuant to 20.6.2.1203 NMAC, if it determines that a release of oil or other water contaminant, in such quantity as may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of property, has occurred. The Permittee shall report via E-Permitting any unauthorized releases of water contaminants in accordance with any additional commitments made in its approved Contingency Plan. If the Permittee determines that any constituent exceeds the standards specified at 20.6.2.3103 NMAC, then it shall report a release to OCD's Engineering Bureau.

1. Oral Notification: As soon as possible after learning of such a discharge, but in no event more than twenty-four (24) hours thereafter, the Permittee shall notify OCD's Engineering Bureau. The Permittee shall provide the following:

- The name, address, telephone number(s) and E-mail address of the person(s) in charge of the facility, as well as of the owner and/or operator of the facility;
- The name and location of the facility;
- The date, time, location including latitude/longitude (NAD83), and duration of the discharge;
- The source and cause of discharge;
- A description of the discharge, including its chemical composition;
- The estimated volume of the discharge; and,
- Any corrective or abatement actions taken to mitigate immediate damage from the discharge.

2. Written Notification: Within one week after the Permittee has discovered a discharge, the Permittee shall submit via E-Permitting written notification (may use form C-141 with attachments) to OCD's Engineering Bureau verifying the prior oral notification as to each of the foregoing items and providing any appropriate additions or corrections to the information contained in the prior oral notification.

The Permittee shall provide subsequent corrective actions and written reports via E-Permitting as required by OCD's Engineering Bureau.

2.H. OTHER REQUIREMENTS:

1. Inspection and Entry: Pursuant to Section 74-6-9 NMSA 1978 and 20.6.2.3107A NMAC, the Permittee shall allow any authorized representative of the OCD Director to:

- Upon the presentation of proper credentials, enter the premises at reasonable times;
 - Inspect and copy records required by this Discharge Permit;
 - Inspect any treatment works, monitoring, and analytical equipment;
 - Sample any injection fluid or produced brine;
 - Conduct various types of environmental media sampling, and
- Use the Permittee's monitoring systems and wells in order to collect groundwater samples.

2. Advance Notice: The Permittee shall provide OCD's Engineering Bureau and Hobbs Office with at least five (5) working days advance notice of any environmental sampling to be performed pursuant to this Discharge Permit, or any well plugging, abandonment or decommissioning of any equipment associated with its Class III well.

3. Environmental Monitoring: The Permittee shall ensure that any environmental sampling and analytical laboratory data collected meets the standards specified in 20.6.2.3107B NMAC or EPA QA/QC Standards and DQOs. The Permittee shall ensure that all environmental samples are analyzed by an accredited "National Environmental Laboratory Accreditation Conference" (NELAC) Laboratory. The Permittee shall submit environmental sampling data summary tables, all raw analytical data, and laboratory QA/QC.

- a. A monitor well shall be installed hydrogeologically downgradient from the Brine Well and sampled in accordance with Permit Condition 2.A.1.

2.I. BONDING OR FINANCIAL ASSURANCE: Pursuant to 20.6.2.5210B(17) NMAC, the Permittee shall maintain at a minimum, a single well plugging bond in the amount that it shall determine, in accordance with Permit Conditions 2.D and 5.B, to cover potential costs associated with plugging and abandonment of the Class III well, surface restoration, environmental groundwater monitoring (if applicable), pipeline abandonment, along with five years of surface subsidence monitoring thereafter. OCD may require additional financial assurance to ensure adequate funding is available to plug and abandon the well and/or for any required environmental related corrective actions.

Methods by which the Permittee shall demonstrate the ability to undertake these measures shall include submission of a surety bond or other adequate assurances. Financial instruments or other financial assurance documents acceptable to the OCD Director are: (1) a surety bond; (2) a trust fund with a New Mexico bank in the name of the State of New Mexico, with the State as Beneficiary; (3) a non-renewable letter of credit made out to the State of New Mexico; (4) liability insurance specifically covering the contingencies listed in this paragraph; or (5) a performance bond, generally in conjunction with another type of financial assurance. If an adequate bond is posted by the Permittee to a federal or another state agency, and this bond covers all of the measures specified above, the OCD Director shall consider this bond as satisfying the bonding requirements of Sections 20.6.2.5000 through 20.6.2.5299 NMAC wholly or in part, depending upon the extent to which such bond is adequate to ensure that the Permittee will fully perform the measures required herein and above.

2.J. ANNUAL REPORT: The Permittee shall submit its annual report pursuant to 20.6.2.3107 NMAC to OCD's Engineering Bureau by March 31st of the following year. The annual report shall include the following:

- Cover sheet marked as "Annual Class III Well Report, Name of Permittee, Discharge Permit Number, API number of well(s), date of report, and person submitting report;
- Summary of Class III well operations for the year including a description and reason for any remedial or major work on the well with a copy of OCD Form C-103Z(s);
- Monthly fluid injection and brine production volume, including the cumulative total carried over each year;
- Cavern characterization information and data results;
- Subsidence monitoring information and data results;
- Annual monitor well analytical data results;
- Injection pressure data;
- Pipeline hydrostatic test results;
- Pipeline visual leak inspection monitoring results at joints;
- Copy of the quarterly chemical analyses shall be included with data summary and all QA/QC information;
- Copy of any mechanical integrity test chart, including the type of test, i.e., duration, gauge pressure, etc.;
- Brief explanation describing deviations from the normal operations;
- Results of any leaks and spill corrective action reports;
- Area of Review (AOR) update summary;
- Summary with interpretation of MITs, surface subsidence surveys, estimated cavern size and shape, cavern volume and geometry measurements with conclusion(s) and recommendation(s);
- Summary of the ratio of the monthly volume of injected fluids to the volume of produced brine;
- Summary of all major Facility activities or events, which occurred during the year with any conclusions and recommendations;
- Annual Surface Subsidence Monitoring Plan data results in accordance with Permit Condition 2.B.1;
- Annual Solution Cavern Characterization data results in accordance with Permit Condition 2.B.2; and
- File the Annual Report via E-Permitting in an electronic format with a hard copy submittal to OCD's Engineering Bureau.

3. CIASS III WELL OPERATIONS:

Owner/Operator Commitments: Once a permit is issued, the owner/operator must ensure all operations are consistent with the terms and conditions of the permit and in conformance with all pertinent rules and regulations under both the Water Quality Act. The owner/operator shall abide by all commitments submitted in its discharge permit application including any attachments and/or amendments along with these approval conditions.

Applications which reference previously approved plans on file with the OCD shall be incorporated into this permit and the owner/operator shall abide by all commitments of such plans.

3.A. OPERATING REQUIREMENTS: The Permittee shall comply with the operating requirements specified in 20.6.2.5206A NMAC and 20.6.25206C NMAC to ensure that:

1. Brine Production Method: During the cavern development process and daily brine production, a normal flow configuration consisting of freshwater injection shall occur through the innermost tubing string with brine production through the casing string backed by cement to surface to promote proper cavern development with depth; and to prevent cavern ceiling collapse. Injection and production flow may temporarily be reversed as required periodically to clean the tubing and annulus. However, a normal flow regime is required during daily injection and production must only occur in the intended solution mining interval at least 100 ft. below the rock-salt contact.

2. Injection Out of Zone: Injection between the outermost casing and the well bore is prohibited in a zone other than the authorized injection zone. If the Permittee determines that its Class III well is discharging or suspects that it is discharging fluids into a zone or zones other than the permitted injection zone specified in Permit Condition 3.B.1., then the Permittee shall within 24 hours notify OCD's Engineering Bureau and Hobbs Office of the circumstances and action(s) taken. The Permittee shall cease operations until proper repairs are made and it has received approval from OCD to re-start injection operations.

3. Pipeline: Initial hydrostatic testing of pipeline is required for any pressure loss, leakage, etc. at joints. Mandatory Hydrostatic Testing of the pipeline is required after leakage and/or before the expiration date of the Permit. The pipeline shall be constructed with an Emergency Shut-Down Device with block off locations for pipeline isolation, access, cleaning, testing, etc. Daily pipeline inspection and monitoring is required at a minimum for the first week and each time the pipeline is brought back into service after shut-down, service work, etc. The pipeline shall be inspected within 8-hours of pipeline pressure loss, upset, etc. Weekly inspection and monitoring at a minimum is required thereafter. Inspection record keeping is required and shall include the date and time of each inspection, inspectors name and contact information, weather conditions with inspection summary, any conclusion on pipeline condition with any recommendations **within 30-calendar days of pipeline pressure loss, upset, etc.** Spills or release locations shall include GPS Coordinates and be handled in accordance with Permit Condition 2G Release Reporting herein.

3.B. INJECTION OPERATIONS:

1. Well Injection Pressure Limit: The Permittee shall ensure that the maximum wellhead or surface injection pressure on its Class III well shall not **exceed 430 psig** the fracture pressure of the injection salt formation and will not cause new fractures or propagate any existing fractures of cause damage to the system and underground source of drinking water.

2. Pressure Limiting Device: The Permittee shall equip and operate its Class III well or system with a pressure limiting device which shall, at all times, limit surface injection pressure to the maximum allowable pressure for its Class III well. The Permittee shall monitor the pressure-limiting device daily and shall report all pressure exceedances within 24 hours of detecting an exceedance to OCD's Engineering Bureau.

The Permittee shall take all steps necessary to ensure that the injected fluids enter only the proposed injection interval and is not permitted to escape to other formations, freshwater zones, or onto the ground surface. The Permittee shall report to OCD's Engineering Bureau within 24 hours of discovery any indication that new fractures or existing fractures have been propagated, or that damage to the well, the injection zone, or formation has occurred.

3.C. CONTINUOUS MONITORING DEVICES: The Permittee shall use continuous monitoring devices to provide a record of injection pressure, flow rate, flow volume, and pressure on the annulus between the tubing and the long string of casing.

3.D. MECHANICAL INTEGRITY FOR CLASS III WELLS:

1. Pursuant to 20.6.2.5204 NMAC, the Permittee shall demonstrate mechanical integrity for its Class III well at least once every five years or more frequently as the OCD Director may require for good cause during the life of the well. The Permittee shall demonstrate mechanical integrity for its Class III well every time it performs a well workover, including when it pulls the tubing. A Class III well has mechanical integrity if there is no detectable leak in the casing or tubing which OCD considers to be significant at maximum operating temperature and pressure; and no detectable conduit for fluid movement out of the injection zone through the well bore or vertical channels adjacent to the well bore which the OCD Director considers to be significant. The Permittee shall conduct a casing Mechanical Integrity Test (MIT) from the surface to the approved injection depth to assess casing integrity. The MIT shall consist of a 30-minute test at a minimum pressure of 500 psig measured at the surface when tubing is removed and a plug is installed within 20 ft. of the casing shoe depth. Alternatively, the MIT may consist of a casing/cavern 4-hr. test at a minimum pressure of 300 psig (or less based on shallow depth to cavern) measured at the surface when the cavern and casing are full and tubing remains in the well. More work is required in the "casing/cavern" test in the event of failure to determine the actual cause.

2. The Permittee shall submit an OCD Form C-103X Sundry via E-Permitting notifying OCD's Engineering Bureau and Hobbs Office at least 5 days prior to conducting any MIT to allow OCD the opportunity to approve and witness the MIT. A final OCD Form C-103Z Sundry shall be submitted via E-Permitting of any well workover, test and/or logging.

3. The following criteria shall determine if the Class III well has passed the MIT:

- a. Passes MIT if zero bleed-off during the test;
- b. Passes casing MIT if final test pressure is within +/- 10% of starting pressure, if approved by OCD (Note: Passes +/- 1% of starting pressure for **Cavern MIT** due to the massive volume of fluid required in the cavern and casing during this test);
- c. When the MIT is not witnessed by OCD and fails, the Permittee shall notify OCD within 24 hours of the failure of the MIT.
- d. All chart recorder information, charts containing appropriate information, calibration sheets, witness signatures, etc. shall be provided to OCD within 5 working days of completing an MIT via E-Permitting.

4. Pursuant to 20.6.2.5204C NMAC, the OCD Director may consider the use by the Permittee of equivalent alternative test methods to determine mechanical integrity. The Permittee shall submit information on the proposed test and all technical data supporting its use via E-Permitting. The OCD Director may approve the Permittee's request if it will reliably demonstrate the mechanical integrity of the well for which its use is proposed.

5. Pursuant to 20.6.2.5204D NMAC, when conducting and evaluating the MIT(s), the Permittee shall apply methods and standards generally accepted in the oil and gas industry. When the Permittee reports the results

of all MIT(s) on an OCD Form C-103Z Sundry via E-Permitting to the OCD Director, it shall include a description of the test(s), the method(s) used, and the test results.

3.E. WELL WORKOVER OPERATIONS: Pursuant to 20.6.2.5205A(5) NMAC, the Permittee shall provide notice to and shall obtain approval from OCD's Hobbs Office and the Engineering Bureau in prior to commencement of any remedial work or any other workover operations to allow OCD the opportunity to witness the operation. The Permittee shall request approval using OCD Form C-103X (Sundry Notices and Reports on Wells) via E-Permitting to OCD's Engineering Bureau and Hobbs Office. Properly completed OCD Forms C-103X and/or C-103Z must be filed with OCD upon completion of workover activities via E-Permitting and copies shall be included in that year's Annual Report (see Permit Condition 2.J).

3.F. FLUIDS INJECTION AND BRINE PRODUCTION VOLUMES AND PRESSURES: The Permittee shall continuously monitor the volumes of water injected and brine production. The Permittee shall submit monthly reports of its injection and production volumes on or before the 10th day of the following month via the electronic OCD Form C-115 submittal process (hardcopies to be provided in annual reports per Permit Condition 2.J). The Permittee shall suspend injection if the monthly injection to brine production volume relative percent difference is less than or greater than 15%. If such an event occurs, the Permittee shall notify OCD within 24 hours.

3.G. AREA OF REVIEW (AOR): The Permittee shall report within 72 hours of discovery any new wells, conduits, or any other device that penetrates or may penetrate the injection zone within a 1/2-mile radius from its Class III well. OCD shall be notified within 24 hours of having knowledge of any wells lacking cement within the cavern interval within a 1/2-mile radius from the Class III well.

4. CLASS V WELLS: Pursuant to 20.6.2.5002B(5) NMAC, leach fields and other waste fluids disposal systems that inject non-hazardous fluid into or above an underground source of drinking water are UIC Class V injection wells. This Discharge Permit does not authorize the use of a Class V injection well for the disposal of industrial waste. Pursuant to 20.6.2.5005 NMAC, the Permittee shall close any Class V industrial waste injection well that injects non-hazardous industrial wastes or a mixture of industrial wastes and domestic wastes (e.g., septic systems, leach fields, dry wells, etc.) within 90 calendar days of the issuance of this Discharge Permit. The Permittee shall document the closure of any Class V wells used for the disposal of non-hazardous industrial wastes or a mixture of industrial wastes and domestic wastes other than contaminated groundwater in its Annual Report. Other Class V wells, including wells used only for the injection of domestic wastes, shall be permitted by the New Mexico Environment Department.

5. SCHEDULE OF COMPLIANCE:

5.A. ANNUAL REPORT: The Permittee shall submit its annual report to OCD by March 31st of each year (see Permit Condition 2.J).

5.B. BONDING OR FINANCIAL ASSURANCE: The Permittee shall submit an estimate of the minimum cost to properly close, plug and abandon its UIC Class III well, conduct groundwater restoration if applicable, and any post-operational monitoring as may be needed (see 20.6.2.5210B(17) NMAC) within 90 days of permit issuance (See 20.6.2.5210B(17) NMAC), and/or the Closure Plan addresses this requirement and is approved by OCD. The Permittee's cost estimate shall be based on third person estimates and included in the Closure Plan with the application. OCD will require the Permittee to submit a single well plugging bond based on the approved third person cost estimate for OCD approval before OCD may issue approval to drill and construct the well (see Permit Conditions 2.D and 2.1).

5.C. SURFACE SUBSIDENCE MONITORING PLAN: The Permittee shall submit the Surface Subsidence Monitoring Plan required in accordance with Permit Condition 2.B.1 within 180 days of permit issuance for OCD approval unless the plan has already been approved by OCD. Monitoring information and data

shall be reported under Permit Condition 2.J.

5.D. SOLUTION CAVERN CHARACTERIZATION PLAN: The Permittee shall submit the Solution Cavern Characterization Plan required in accordance with Permit Condition 2.B.2 within 180 days of permit issuance for OCD approval unless the plan has already been approved by OCD. Characterization information and data shall be reported under Permit Condition 2.J.