



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

February 1, 2023

Philip Gleckman
Sunvapor, Inc
145 N Sierra Madre Blvd, Suite 3,
Pasadena, California 91107

RE: Response to Produced Water Pilot Project Notice of Intent; Discharge Permit Not Required for Sunvapor, Inc

Dear Philip Gleckman:

The New Mexico Environment Department (NMED) received a Produced Water Pilot Project Notice of Intent (PW-NOI) from you on December 16, 2022 regarding the Solar Produced Water Desalination Pilot Demonstration project for treated produced water research at the NGL Energy Partners Striker 1 Salt Water Disposal (SWD) Facility for Sunvapor Inc. The proposed pilot project is located at the 46 acre SWD facility owned by NGL Energy Partners, 10 miles southeast of Carlsbad in Section 15, Township 23S, Range 28E, Eddy County.

The notice satisfies the requirements of Subsection A of 20.6.2.1201 NMAC, Ground and Surface Water Protection Regulations, (20.6.2 NMAC).

The PW-NOI identifies the pilot project details as follows:

The pilot demonstration will take place on the NGL Striker 1 SWD facility and will test the hybrid solar desalination system as applied to treating produced water. Permian Basin produced water will be provided by NGL. Equipment to be installed for the pilot project include a solar thermal heat collection and steam generation system engineered by Sunvapor, a pre-treatment train to condition the raw produced water and the hybrid desalination system which includes commercial membrane distillation modules. After testing the treatment train, the treated produced water will be further treated by Sunvapor's process to create a concentrated brine stream and a distillate stream. After sampling for evaluation, the remaining concentrate and brine stream will be recombined and returned to the SWD for disposal. The pilot project intends to operate for one year to validate performance and provide monthly samples for evaluation.

Based on the information provided in your PW-NOI, NMED has determined that NMED is not requiring a Discharge Permit if the discharge occurs as described. A Discharge Permit is not required at this time because the information provided indicates the pilot project is located at an OCD regulated facility

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Ground Water Quality Bureau | 1190 Saint Francis Drive, PO Box 5469, Santa Fe, New Mexico 87502-5469

Telephone (505) 827-2900 | www.env.nm.gov/gwqb/

Although NMED is not requiring a Discharge Permit for this facility at this time, this does not relieve you of your liability should your operation result in actual pollution of surface or groundwater. Further, this decision by NMED does not relieve you of your responsibility to comply with any other applicable federal, state, and/or local laws and regulations, zoning requirements, plumbing codes, and nuisance ordinances.

If at some time in the future you intend to change the pilot project location, processes, scope, or plan in any way you must file a revised PW-NOI with NMED. If NMED determines that you are conducting the pilot project in a manner other than as described in your PW-NOI, you must file a revised PW-NOI with NMED and you may be subjected to an enforcement action by NMED.

This determination is pursuant to WQCC Regulation 20.6.2.3106.B NMAC, and the NMED Delegation Order dated May 24, 2021, through which the Cabinet Secretary has delegated this authority to sign responses to a NOI to discharge to the Chief of the Ground Water Quality Bureau. If you have any questions, please contact either Kathleen Murphy at (505) 660-7567 or Jason Herman, Program Manager of the Ground Water Pollution Prevention Section, at (505) 827-2962 or submit an email to pps.general@state.nm.us.

Sincerely,

Justin D. Ball, Chief
Ground Water Quality Bureau

JB:KM

cc: John Rhoderick, WPD Division Director, NMED
Kathryn Becker, Tribal Liaison, NMED
Andrew Knight, Assistant General Counsel, NMED
Jason Herman, Program Manager, GWQB PPS, NMED
Susan Lucas-Kamat, Program Manager, SWQB PSR
Produced Water No DP Required File
Dylan Fuge, Acting Division Director, OCD EMNRD
Jim Griswold, Bureau Chief, OCD EMNRD
Patricia Sullivan, Director, NMPWRC - NMSU
Mike Hightower, Manager, NMPWRC - NMSU