



May 5, 2023

Ashley Kegley-Whitehead, Chief Communications and Government Affairs Officer
Infinity Water Solutions
1250 South Capital of Texas Highway, Building 2-200
Austin, TX 78746

RE: Request for Additional Information, Infinity Water Solutions, Battle Axe Ranch Hemp Project

Dear Ms. Kegley-Whitehead:

The New Mexico Environment Department (NMED) received a Produced Water pilot project Notice of Intent (NOI) from you on March 15, 2023, for the above referenced produced water pilot project. You provided supplemental information on the pilot project to NMED, via email, on April 10, 2023. The pilot project information submitted proposes to treat produced water for research purposes.

NMED has reviewed the submission in accordance with the New Mexico Water Quality Control Commission Regulations (20.6.2 NMAC). The following additional information is necessary for NMED to complete its evaluation of the submission:

1. Provide a comprehensive disposal and closure plan for all materials, equipment and plant material. Note that any hemp that comes into contact with produced water or treated produced water must be disposed of at an approved OCD facility or landfill, not necessarily in accordance with NMDA requirements.
2. Provide plans and specifications for the design of on the proposed holding unit (for the 1,000 bbls of treated water prior to distribution on the hemp crop), the impoundment construction and liner (including the material and manufacturer), and any leak detection systems used to ensure containment of the discharges.
3. Provide transportation plan details for how you will transport the produced water and treated produced water on and off site for both locations.
4. Provide a description of how you intend to protect the impoundment liner integrity during the emplacement of soil and how you will protect the liner from the hemp plant's root structure.
5. Provide additional information demonstrating means of restricted access including fencing at Battle Axe Ranch for all areas where you intend to store or apply raw or treated produced water.

6. Provide maps showing the following:
 - a. Adjacent landowners to the Battle Axe Ranch,
 - b. Land status,
 - c. The US Federal Emergency Management Agency's (FEMA's) 100-year floodplain,
 - d. Locations of any dwellings or occupied establishments,
 - e. Nearby water courses, and water wells or springs within or adjacent to the Battle Axe Ranch.

Please submit the requested information within 30 days of the date of this letter by June 5, 2023. NMED appreciates your cooperation. If you have any questions, you may reach Kathleen Murphy at (505) 660-7567.

Sincerely,

Justin Ball, Chief
Ground Water Quality Bureau

cc: Peter Mercure, Infinity Water Solutions (via electronic transmission to peter@water.energy)
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