



**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

May 18, 2023

Gage Herrmann, Midstream Manager  
Tascosa Energy Partners LLC  
901 West Missouri Ave  
Midland, TX 79701

**RE: Response to Produced Water Pilot Project Notice of Intent; Discharge Permit Not Required for Tascosa Energy Partners**

Dear Gage Herrmann:

The New Mexico Environment Department (NMED) received a Produced Water Pilot Project Notice of Intent (PW-NOI) from you on April 20, 2023, regarding the proposed Tascosa pilot project for produced water research at the Catalina Containment and Recycling Facility. The proposed pilot project is located on State Trust Land at the Catalina Containment and Recycling Facility, located approximately 8 Miles northwest of Carlsbad, in Section 30, Township 20S, Range 27E, 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:

Tascosa proposes to use the SMART Evaporation system developed by Hydrozonix to reduce the amount of produced water in their produced water impoundments at their Catalina Containment and Recycling Facility on State trust land approximately 8 miles northwest of Carlsbad, New Mexico. The pilot project will be conducted at an oil and gas facility and the end-use of the produced or treated produced water will be within the oil and gas industry.

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 Oil Conservation Division (OCD) regulated facility, and the pilot project will be conducted in a manner that is already regulated by OCD and is within the oil and gas field.

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

Tascosa Energy Partner, LLC

May 18, 2023

Page 2 of 2

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 March 24, 2023, 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 (575) 649-3871 or submit an email to [pps.general@env.nm.gov](mailto:pps.general@env.nm.gov).

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, Director, OCD EMNRD  
Jim Griswold, Bureau Chief, OCD EMNRD  
Greg Bloom, Assistant Commissioner OGM/Royalty, NM State Land Office  
Patricia Sullivan, Director, NMPWRC - NMSU  
Mike Hightower, Manager, NMPWRC - NMSU