

SAN MATEO - EXHIBIT M



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Sent Via Electronic Mail

April 30, 2020

Matador Production Company as operator for Longwood RB Pipeline, LLC, a subsidiary of San Mateo Midstream, LLC
One Lincoln Centre
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Re: SWQB Response to Proposed Remediation Plan; Bentonite Drilling Mud; Black River, Eddy County

The New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) received your Remediation Work Plan for the above referenced release by correspondence dated April 8, 2020. The Remediation Work Plan is in response to NMED's Administrative Compliance Order WQCC 20-16, Paras. 20(c)(3) and (5) requiring submission by April 10, 2020. A brief summary of the plan proposal includes: containment and remediation or recovery of released materials from the Black River in Segment 20.6.4.202 NMAC (State of New Mexico Standards for Interstate and Intrastate Surface Waters [WQS]).

The Remediation Plan proposes to conduct the following activities:

- Water quality monitoring upstream and downstream of the activity: remediation activities will immediately cease if they cause turbidity to increase more than 10 NTU over background turbidity when the background turbidity, measured at a point immediately upstream of the activity, is 50 NTU or less, or to increase more than twenty percent when the background turbidity is more than 50 NTU.
- To prevent downstream movement of bentonite or other sediment material, several rows of sandbag and mesh check dams will be temporarily installed as containment BMPs across the width of the river at locations dependent on river conditions, including flow rate and depth.
- The proposed remediation would include removal of bentonite accumulations/deposits from the streambed for approximately 264 feet below the boring site by using a vacuum hose (fitted with a filter to prevent removal of larger items) and pumping into frac tanks.
- Water sampling will be conducted during activities and daily for 7 days after remediation for: TSS, TDS, total dissolved oxygen, pH, turbidity, chlorides, sulfates, volatile organics (BTEX) and TPH.
- Removed materials will be stored in frac tanks until disposal at an approved off-site location.
- Remediation activities are projected to be completed within 30 days of approval.

SAN MATEO - EXHIBIT M

NMED-SWQB Response to Matador-San Mateo Remediation Plan

April 30, 2020

Page 2 of 3

Based on the Proposed Remediation Plan, NMED additionally requires the following be included in the Plan and implemented accordingly:

1. Remediation shall be completed within 90 days of the issuance of the ACO (by June 20, 2020).
2. In the last few weeks, flows at the USGS station Black River at Malaga have shown great variations with flows between 4 and 30 cubic feet per second (cfs). In the event that a precipitation event occurs, Matador should wait approximately 48 hours or until streamflow returns to normal, baseflow conditions before continuing with remediation activities.
3. Matador shall conduct a visual survey of the Black River down to the Pecos River to confirm that additional deposits of bentonite are not present. If downstream bentonite deposits are discovered, they must be added to the remediation plan and NMED must be notified accordingly.
4. Photo-documentation must occur before and after remediation. Prior to remediation, Matador shall visually document the presence of the material being cleaned up, along with GPS points of the locations of the material. After remediation, photos shall be taken of the same areas to show remediation is complete. Photos shall be taken in such a manner that it shows not only the bentonite material but a wider shot showing context of the site. Before and after photo-documentation shall be taken from the same location and same angle. All photographs must include an accurate time and date stamp created by the digital camera device.
5. Matador should ensure that minimal disturbance occurs in order to gain access to remediation sites (e.g., no clearing or grading for access or tank staging).
6. If the proposed check dams are ineffective at preventing downstream movement of bentonite, Matador must notify NMED of the turbidity exceedances and propose new controls to NMED for approval before resuming remediation work.
7. Any planned deviations must be reported to NMED for approval prior to implementation. Any unplanned deviations must be reported to NMED with corrective actions taken.
8. Absence or minimal visible signs of the introduced materials (i.e., bentonite mud) shall be used as a benchmark that remediation is complete. Photo-documentation to demonstrate successful remediation is required (see #4) and completion will be determined by NMED either by review of photo-documentation and/or with Oil Conservation Division (OCD) staff onsite inspection verification. Determination of completion will be consistent with New Mexico's general water quality criteria, which state:

"Surface waters of the state shall be free of... fine sediment particles (less than two millimeters in diameter), precipitates or organic or inorganic solids from other than natural causes that have settled to form layers on or fill the interstices of the natural or dominant substrate in quantities that... alter the physical... properties of the bottom." (20.6.4.13(A)(1) NMAC).

"Turbidity attributable to other than natural causes shall not reduce light transmission to the point that... will cause substantial visible contrast with the natural appearance of the water." (20.6.4.13(J) NMAC).

Based on the information submitted, including the additional requirements noted above, the Remediation Plan is satisfactory to NMED. Matador must update NMED-SWQB on the progress of the remediation, as well as results of additional sampling and final progress report upon completion.

SAN MATEO - EXHIBIT M

NMED-SWQB Response to Matador-San Mateo Remediation Plan

April 30, 2020

Page 3 of 3

In the event that any WQS are violated as a result of the activities, Matador Production Company and San Mateo Midstream could be subject to further enforcement pursuant to the New Mexico Water Quality Act [Section 74-6-10-NMSA]. NMED reserves the right to require additional corrective actions not already being required should this release result in the degradation of surface water or ground water quality. Nothing in this letter shall be construed as relieving Matador Production Company or their contractors of the obligation to comply with all other applicable federal, state, and local laws, regulations, permits or orders.

If you have any questions, please contact Sarah Holcomb of the Surface Water Quality Bureau at 505-827-2798, or by email at sarah.holcomb@state.nm.us.

Sincerely,

Shelly Lemon Digitally signed by Shelly Lemon
Date: 2020.04.30 09:46:48 -06'00'

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

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