

# **Amended Pit Rule Hearing**

**Jerry D. Fanning, Jr.**

## **PERMITTING AND REGISTRATION** **CLOSED-LOOP SYSTEMS AND SUMPS**

### **EXCLUDED FROM PERMITTING AND REGISTRATION REQUIREMENTS**

#### *19.15.17.8.D. PERMIT OR REGISTRATION REQUIRED:*

*"Closed loop systems and sumps do not require a division-issued permit or registration with the division's district office."*

### **NOTIFICATION OF CONSTRUCTION OR USE OF A CLOSED LOOP SYSTEM REQUIRED.**

#### *19.15.17.9A. NOTIFICATION*

*An operator shall use a C-101, C-103 or applicable BLM form to notify the appropriate division district office of construction or use of a closed-loop system. A closed loop system shall use appropriate engineering principles and practices and follow applicable manufactures' requirements of equivalent thereto.*

**PERMITTING AND REGISTRATION:**  
**TEMPORARY PITS**

**WHERE TO SITE SPECIFIC DATA EXISTS, A REASONABLE  
DETERMINATION OF GROUND WATER DEPTH CAN BE BASED ON DATA  
GENERATED BY MODELS, CATHODIC WELL LITHOLOGY, PUBLISHED  
INFORMATION OR OTHER TOOLS AS APPROVED BY THE  
APPROPRIATE DIVISION DISTRICT OFFICE**

19.15.17.9B (2) NMAC PERMIT APPLICATION AND  
REGISTRATION - DETAILED PLAN REQUIRED:

*“... In the absence of site-specific ground water data, the operator can  
provide a reasonable determination of probable ground water depth using  
data generated by models, cathodic well lithology, published information  
or other tools as approved by the appropriate division district office.*

**PERMITTING AND REGISTRATION:**  
**TEMPORARY PITS**

**STANDARDIZED PLANS AUTHORIZED**

19.15.17.9.B (2) NMAC PERMIT APPLICATION AND  
REGISTRATION - DETAILED PLAN REQUIRED:

The operator may utilize, with approval by the appropriate division district office, standardized plans for pit construction, pit closure, and other plans which will remain approved until a subsequent plan is either required by the appropriate division district office or is submitted by the operator and approved by the appropriate division district office.

**DESIGN CRITERIA**  
**CLOSED-LOOP SYSTEMS AND SUMPS:**

19.15.17.11 NMAC

- B. CLOSED-LOOPED SYSTEMS AND SUMPS NOT REQUIRED TO STOCKPILE TOPSOIL.**
- C. CLOSED-LOOPED SYSTEMS AND SUMPS NOT SUBJECT TO SIGNING REQUIREMENTS.**

## **OPERATIONAL REQUIREMENTS / NOTIFICATIONS OF PENETRATION OR COMPROMISE TO LINER INTEGRITY**

**NOTICE OF LEAKS AND PENETRATION OF PIT LINERS ARE REQUIRED  
PURSUANT TO THE RELEASE NOTIFICATION SECTION OF DIVISION RULES**

### **19.15.17.12 A.4 AND 5 NMAC – OPERATIONAL REQUIREMENTS - GENERAL SPECIFICATIONS :**

- (4) If any pit liner's integrity is compromised, or if any penetration of the liner occurs above the liquid's surface, then the operator shall ~~notify the appropriate division district office within 48 hours of the discovery~~ initiate repair of the damage or replacement of the liner within 48 hours of the discovery or seek a variance from the appropriate division district office.*
- (5) If a pit or below grade tank ~~closed-loop system or sump~~ develops a leak, or if any penetration of the pit liner, ~~below grade tank, closed-loop system or sump~~ occurs below the liquid's surface, then the operator shall remove all liquid above the damage or leak ~~line~~ within 48 hours of the discovery, notify the appropriate division district office ~~within 48 hours of the discovery~~ pursuant to 19.15.29 NMAC and repair the damage or replace the pit liner or below-grade tank, ~~closed-loop system or sump~~ as applicable.*

**THE RELEASE NOTIFICATION SECTION OF DIVISION RULES**  
**REQUIRES** 19.15.29 NMAC

**Immediate verbal notice and timely written notice of a major release**

**AND**

**Timely written notice of a minor release [5-25 bbls OR greater than 50 MCF but less than 500 MCF]**

## **OPERATIONAL REQUIREMENTS – TEMPORARY PITS**

### **DISPOSAL OF SOLIDS AND COMPLETION FLUIDS IN DRILLING PITS**

### **DELETION OF REQUIREMENT FOR STEEL TANK FOR HYDROCARBON BASED DRILLING FLUIDS**

#### **1915.17.12 NMAC – OPERATIONAL REQUIREMENTS - TEMPORARY PITS**

- B.1 *Only fluids or solids ~~used or~~ generated or used during the drilling, completion or workover process may be discharged into a temporary pit. The operator shall maintain a temporary pit free of miscellaneous solid waste or debris. ~~The operator shall use a tank made of steel or other material which the appropriate division district office approves, to contain hydrocarbon based drilling fluids.~~ Immediately after cessation of a drilling or workover operation, the operator shall remove any visible ~~or measurable~~ layer of oil from the surface of a drilling or workover pit.*



## **OPERATIONAL REQUIREMENTS (continued)**

- B.4 ~~The operator shall remove all~~ All free liquids from the surface of a temporary pit shall be removed within ~~30~~ 60 days from the date the operator releases the drilling or workover rig...

**Emergency Action 19.15.17.14 NMSA**

**NO SUBSTANTIVE CHANGE**

## **EXCEPTIONS AND VARIANCES 19.15.17.15**

**EXCEPTIONS** OBTAINED FROM THE ENVIRONMENTAL BUREAU IN SANTA FE

**NOTICE** IS PROVIDED TO SURFACE OWNER AND PERSONS WHO HAVE FILED A WRITTEN REQUEST WITH THE DIVISION TO BE NOTIFIED OF THE FILING OF SUCH APPLICATIONS.

**VARIANCES** OBTAINED FROM THE APPROPRIATE DIVISION DISTRICT OFFICE.

**NOTICE** IS PROVIDED TO THE SURFACE OWNER

**EXCEPTIONS AND VARIANCES – PROCEDURES 19.15.17.15 NMSA  
APPLICATION / APPROVAL:**

**OPERATOR MAY REQUEST EXCEPTION OR VARIANCE**

**IF OPERATOR DEMONSTRATES THAT THE REQUEST PROVIDES EQUAL OR BETTER PROTECTION TO FRESH WATER, PUBLIC HEALTH AND SAFETY, LIVESTOCK AND THE ENVIRONMENT, THE AGENCY SHALL APPROVE THE APPLICATION WITHIN 60 DAYS.**

**IF AGENCY DENIAL OR NO ACTION IN 60 DAYS, THE OPERATOR MAY REQUEST A HEARING**

**THE APPLICATION MUST MEET REQUIREMENTS SET OUT IN THE MODIFICATIONS CONCERNING NOTICE AND CONTAIN A WRITTEN EXPLANATION OF THE NEEDED AND JUSTIFICATION FOR THE REQUESTED VARIANCE OR MODIFICATION.**

**IF THERE IS AN OBJECTION TO A REQUEST FOR EXCEPTION OR VARIANCE, AND DIRECTOR DETERMINES THE OBJECTION HAS MERIT, THE APPLICATION IS SET FOR HEARING.**