

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION**

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION FOR
REPEAL OF EXISTING RULES 709, 710 AND 711 CONCERNING SURFACE
WASTE MANAGEMENT AND ADOPTION OF NEW RULES GOVERNING
SURFACE WASTE MANAGEMENT**

**CASE NO. 13586
ORDER NO. R-12460-C**

NUNC PRO TUNC ORDER

It appearing that due to inadvertence, that Paragraph (1) of Subsection L of 19.15.2.53 NMAC in Exhibit A of No. R-12460-B, dated October 19, 2006, does not correctly state the Oil Conservation Commission's intent to adopt the Oil Conservation Division's proposed language for that paragraph and having been advised by the New Mexico State Records Center and Archives, Administrative Law Division that the rule proposed to be published as 19.15.2.53 NMAC must be its own part within 19.15 NMAC;

IT IS THEREFORE ORDERED THAT:

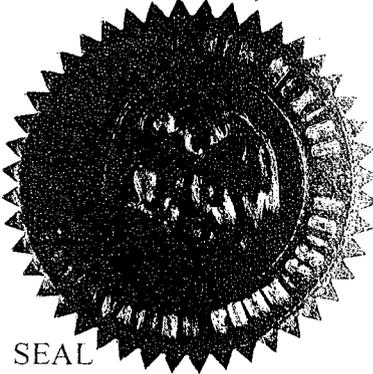
A. Paragraph (1) of Subsection L of 19.15.2.53 NMAC of Exhibit A is amended to read in its entirety as follows:

“Existing surface waste management facilities shall comply with the operational, waste acceptance and closure requirements provided in 19.15.2.53 NMAC, except as otherwise specifically provided in the applicable permit or order, or in a specific waiver, exception or agreement that the division has granted in writing to the particular surface waste management facility.”

B. Oil Conservation Division staff is instructed to work with the State Records Center and Archives, Administrative Law Division to place 19.15.2.53 NMAC in Exhibit A into a new part within 19.15 NMAC and renumber it and correct internal cross references as needed to make it a new part rather than a new section of 19.15.2 NMAC and to secure prompt publication in the New Mexico Register.

C. The correction set forth in this order be entered nunc pro tunc as of October 19, 2006.

DONE at Santa Fe, New Mexico on the 2nd of November 2006.



STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

A handwritten signature in dark ink, appearing to read "Mark E. Fesmire".

MARK E. FESMIRE, P.E., CHAIR