

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

IN THE MATTER OF THE APPLICATION OF THE NEW  
MEXICO OIL CONSERVATION DIVISION FOR REPEAL  
OF EXISTING RULE 50 CONCERNING PITS AND BELOW  
GRADE TANKS AND ADOPTION OF A NEW RULE  
GOVERNING PITS, BELOW GRADE TANKS, CLOSED  
LOOP SYSTEMS AND OTHER ALTERNATIVE METHODS  
TO THE FOREGOING, AND AMENDING OTHER RULES  
TO MAKE CONFORMING CHANGES; STATEWIDE.

CASE NO. 14015  
Order No. R-12819-B

ORDER OF THE COMMISSION

(1) By Order No. R-12819-A entered on October 25, 2007, the Oil Conservation Commission directed the parties to brief the following issues by November 7, 2007, at 5:00 P.M.:

(a) whether the proposed Subparagraph (c) of Paragraph (1) of Subsection F of 19.15.17.13 NMAC, which provides that surface owner consent is one of the requirements for on-site closure, violates the sub-surface owners right to reasonable use of the surface and whether the Oil Conservation Commission has the authority to require surface owner consent; and

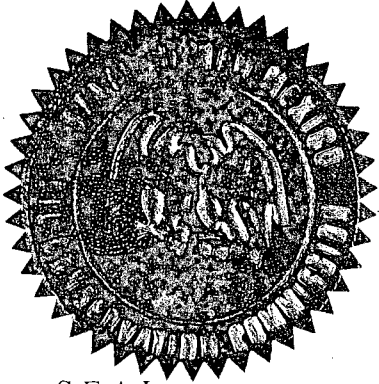
(b) whether the proposed requirement in Subparagraph (a) of Paragraph (1) of Subsection F of 19.15.17.13 NMAC that limits use of on-site closure to those situations where the proposed pit's location is outside of a 100-mile radius of a division-approved facility or an out-of-state waste management facility violates the Commerce Clause of the United States Constitution.

(2) On October 30, 2007, the Oil Conservation Division filed a motion to extend the time for briefing because of the large volume of exhibits and pre-hearing statements that have been filed which require study prior to the commencement of the hearing on November 5, 2007.

IT IS THEREFORE ORDERED THAT:

(1) The deadline for filing the above-described briefs is hereby extended to November 13, 2007 at 5:00 P.M.

DONE at Santa Fe, New Mexico, on this 1<sup>st</sup> day of November, 2007.



SEAL

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