

**OCD's Requested Changes to 9/21/07 proposal  
11/7/07**

**19.15.17.11 DESIGN AND CONSTRUCTION SPECIFICATIONS:**

**F. Temporary pits.**

(4) The operator shall minimize liner seams and orient them up and down, not across a slope. The operator shall use factory seams where possible. The operator shall overlap liners four to six inches before seaming, and orient seams parallel to the line of maximum slope, *i.e.*, oriented along, not across, the slope. The operator shall minimize the number of field seams in corners and irregularly shaped areas. Qualified personnel shall perform field seaming. The seams shall be welded.

(11) The part of a temporary pit used to vent or flare gas during a drilling or workover operation that is designed to allow liquids to drain to a separate temporary pit does not require a liner, unless the appropriate division district office requires an alternative design in order to protect surface water, ground water and the environment. The operator shall not allow freestanding fluids to remain on the unlined part of a temporary pit used to vent or flare gas.

**J. On-site deep trenches for closure.**

(5) The operator shall minimize liner seams and orient them up and down, not across a slope. The operator shall use factory seams where possible. The operator shall overlap liners four to six inches before seaming, and orient seams parallel to the line of maximum slope, *i.e.*, oriented along, not across, the slope. The operator shall minimize the number of field seams in corners and irregularly shaped areas. Qualified personnel shall perform field seaming. The seams shall be welded.

**19.15.17.12 OPERATIONAL REQUIREMENTS:**

**A. General specifications.**

(2) The operator shall recycle, reuse or reclaim all drilling fluids in a manner that prevents the contamination of fresh water and protects public health and the environment, and that the appropriate division district office approves.

**D. Below-grade tanks.** The operator shall not allow a below-grade tank to overflow or allow surface water run-on to enter the below-grade tank. The operator shall remove any visible or measurable layer of oil from the surface of a below-grade tank.

**19.15.17.13 CLOSURE REQUIREMENTS:**

**F. On-site closure methods.**

**(1) General requirements.**

(c) The operator shall test the soils beneath the ~~drying pad associated with a closed-loop system or~~ temporary pit after excavation to determine whether a release has occurred. The operator shall collect, at a minimum, a five point, composite sample; collect individual grab samples from any hot spot; and analyze for BTEX, TPH and chlorides to demonstrate that the benzene concentration, as determined by EPA SW-846 methods 8021B or 8260B or other EPA method that the division approves, does not exceed 0.2 mg/kg; total BTEX concentration, as determined by EPA SW-846 methods 8021B or 8260B or other EPA method that the division approves, does not exceed 50 mg/kg; the TPH concentration, as determined by EPA method 418.1 or other EPA method that the division approves, does not exceed 100 mg/kg; and the chloride concentration, as determined by EPA method 300.1 or other EPA method that the division approves, does not exceed 250 mg/kg, or the background concentration, whichever is greater. The operator shall notify the division of its results on form C-141. The division may require additional delineation upon review of the results.

**Brooks, David K., EMNRD**

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**From:** Brooks, David K., EMNRD  
**Sent:** Monday, October 22, 2007 10:37 AM  
**To:** O'Donnell, Kelly, EDD  
**Subject:** Notice of Proposed Rulemaking - Small Business Regulatory Advisory Commission  
**Attachments:** Notice of Hearing - paper -1105.doc; 19 15 17 Pit Rule 9-20-07.doc; 19 15 1\_Amendments for Pit Rule.doc; 19 15 3 114 Pit Rule 092007.doc; 19 15 4 202 Pit Rule 092007.doc; 19 15 13 1103 Pit Rule 092007.doc

**Tracking:**

Recipient	Read
O'Donnell, Kelly, EDD	Read: 10/22/2007 10:42 AM

Mr. O'Donnell

The Oil Conservation Division has proposed a new rule concerning the use of pits in connection with oil and gas operations. The Oil Conservation Commission will conduct a public hearing on this proposal beginning on November 5, 2007.

The Division does not believe that the proposed rule will have a disproportionately adverse effect on small business. However, in an abundance of caution to comply with the provisions of NMSA 1978 Section 14-4A-4.A, we herewith furnish notice to the Small Business Regulatory Advisory Commission. A copy of the public notice published on the Division's website, and a copy of the proposed rule (and conforming amendments to other rules) is supplied herewith.

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505-476-3450

11/7/2007