

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

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Oil Conservation Division

**APPLICATION OF THE NEW MEXICO  
OIL CONSERVATION DIVISION,  
THROUGH THE ENVIRONMENTAL  
BUREAU CHIEF, FOR ADOPTION OF  
AMENDMENT TO RULE 711**

Case No. \_\_\_\_\_

**THE NEW MEXICO ENVIRONMENT DEPARTMENT'S COMMENTS TO  
PROPOSED AMENDMENTS TO RULE 711**

1. The New Mexico Environment Department ("NMED") and the Oil Conservation Division ("OCD") are "constituent agencies" under the Water Quality Act, with both agencies administering and enforcing specific aspects of the Water Quality Act ("WQA") and Water Quality Control Commission Regulations. NMSA 1978, §74-6-4(E).
2. OCD has jurisdiction under the WQA pertaining to surface and ground water discharges at oil and natural gas production sites, oil refineries, natural gas processing plants, geothermal installations, carbon dioxide facilities, natural gas transmission lines and discharges associated with activities of the oil field service industry.
3. In the proposed amendment to 19.15.9.711 NMAC, at page 6 line 7 of subsection (c), it states "if the waste is similar in nature to the oilfield wastes". NMED requests that the phrase "similar in nature" be clarified or further defined.

4. In the proposed amendment, at page 6, line 8, it states "(1) exempt; or". Upon information and belief, "exempt" is intended to mean exempt from the RCRA Subtitle C hazardous waste regulations. NMED requests a clarification be added the amendment by adding "RCRA Subtitle C hazardous waste" before the word "exempt."

Respectfully submitted,

NEW MEXICO ENVIRONMENT  
DEPARTMENT



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#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing New Mexico Environment Department's Comments to Proposed Amendments to OCC Rule 711 was hand-delivered this 12 day of March, 2003.



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Tracy Hughes