

MONTGOMERY & ANDREWS

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

Post Office Box 2307
Santa Fe, New Mexico 87504-2307

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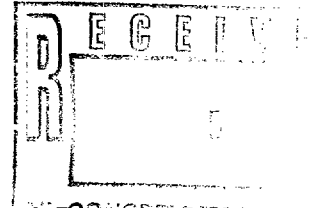
LOUIS W. ROSE
Direct Line (505) 986-2506

HAND DELIVERED

325 Paseo de Peralta
Santa Fe, New Mexico 87501

Telephone (505) 982-3873
Telecopy (505) 982-4289

William LeMay, Chairman
Oil Conservation Commission
2040 South Pacheco
Santa Fe, New Mexico 87502



**Re: Proposed Amendments to OCD Rules 7 and 116, and Proposed New
OCD Rule 19 (OCC Case Nos. 11352 & 11635)**

Dear Chairman LeMay:

Enclosed for filing are the original and three copies of Marathon Oil Company's proposed changes to the Rule 116 Committee's draft amendments to OCD Rules 7 and 116, and proposed new OCD Rule 19.

Sincerely,



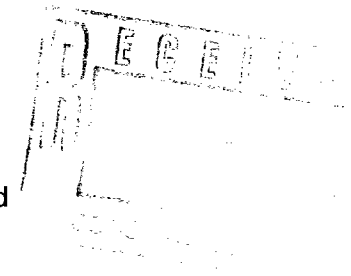
Louis W. Rose

LWR
#9755-96-01
Enclosures

cc: Marilyn S. Hebert, Esq. (hand delivered)
Rand L. Carroll, Esq. (hand delivered)
Thomas C. Lowry, Esq. (by telecopy)
W. Thomas Kellahin, Esq. (by telecopy)
Roger Anderson (hand delivered)
Robert J. Menzie, Jr. (by telecopy)

ATTACHMENT A

Marathon Recommended Changes to Proposed
OCD Rules 7, 116 and 19



Additions are shown with underline, deletions with strike-through.

Rule 7:

- 1) ABATEMENT PLAN shall mean a description of any operational, monitoring, contingency and closure requirements and conditions for the prevention, investigation and abatement of water pollution that will not likely be remedied within one (1) year.
- 2) REMEDIATION PLAN shall mean a ~~written document~~ description of a program to address reportable releases. ~~that will not with reasonable probability reach ground water or surface water, and that will likely be remedied within one (1) year. When ground water is affected, a remediation plan may be required for releases that will be remedied within one (1) year.~~ The plan may include appropriate information, including assessment data, health risk demonstrations, and corrective action(s). The plan may also include an alternative proposing no action beyond the submittal of a spill report.
- 3) HAZARD TO PUBLIC HEALTH exists when water which is used or is reasonably expected to be used in the future as a human drinking water supply exceeds at the time and place of such use, one or more of the numerical standards of 20 NMAC 6.2.3103, or the naturally occurring concentrations, whichever is higher, or if any toxic pollutant as defined at 20 NMAC 6.2.1101 affecting human health is present in the water. In determining whether a release would cause a hazard to public health to exist, the Director shall investigate and consider the purification and dilution reasonably expected to occur from the time and place of release to the time and place of withdrawal for use as human drinking water, and the potential for point-of-use treatment.

Rule 116:

- 1) 116.D. CORRECTIVE ACTION: The responsible person must complete Division approved corrective action for ~~unauthorized reportable~~ releases which endanger public health or the environment. Releases will be addressed in accordance with a remediation plan submitted to and approved by the Division or with an Abatement Plan submitted in accordance with Rule 19 (19 NMAC 15.A.19).

Rule 19:

- 1) 19.B.(6)(a)(i)2. - Add a right parens after "Paragraph B".
- 2) 19.B.(6)(a)(iii) & (iv) - Delete current (iii) and renumber (iv) as (iii).
- 3) 19.B.(6)(b)(xi), (xii) & (xiii) - Change (xii) to be (xi). Delete the current (xi) and (xiii) and insert the following sentence at the end of (6)(b): "The petition may include an analysis of the feasibility of point-of-use treatment, a transport, fate and risk assessment in accordance with accepted methods, and other information as the petitioner deems necessary to support the petition."

- 4) 19.B.(7) Modification of Abatement Standards. If applicable abatement standards are modified after abatement measures are approved as part of a Stage 2 abatement plan under paragraph E of this rule, or an abatement action under the authority of the programs specified in paragraph D of this rule, the The abatement standards that are in effect at the time that the Stage 2 abatement plan is approved shall be the abatement standards for the duration of the abatement plan, unless the Director determines that ~~additional action is necessary to protect public health and the environment.~~ compliance with those standards would create, on a site specific basis, a present or future hazard to public health or undue damage to property. In any appeal of the Director's determination that additional actions are necessary, the Director shall have the burden of proof.
- 5) 19.D.(1)(f) under the authority of a Letter of Understanding, Settlement Agreement or Administrative Order on Consent or other agreement signed by the Director or his designee prior to (insert effective date of rule), 1996, provided that abatement is being performed in full compliance with the terms of the Letter of Understanding, Settlement Agreement or Administrative Order on Consent or other agreement; and
- 6) 19.N. Delete

General:

- 1) Defined terms should not be capitalized when used in the text of the rules.