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1912 - 1985

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TREASURER

OIL CONSERVATION DIVISION  
REC'D  
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April 3, 1991

New Mexico Oil Conservation Division  
310 Oil Santa Fe Trail  
P.O. Box 2088  
Santa Fe, New Mexico 87503

Attention: Mr. William J. LeMay  
Director

Re: **CASE 10279**  
**Docket 10-91**

Dear Mr. LeMay:

We have been advised by Docket 10-91 of the Commissioner hearing on Thursday, April 11, 1991. Although it is likely we will not attend the Commission hearing, we would like to make the following comment:

The docket states that the OCD has moved to repeal Rule 1204 and 1206 and adopt a new Rule 1204. It is our understanding that by doing so, notices which are now published in Santa Fe County, will be required to be published in local newspapers in the counties where the affected property is located. We believe that this change in rules will improve notification of parties concerned. We concur with the OCD's change in this rule. We would like to suggest that the notification process might be benefited further by mailing any notice which would be published in this manner to your mailing list with the dockets on a regular basis.

Thank you for allowing us to make these comments.

Very truly yours,

**YATES PETROLEUM CORPORATION**

Randy G. Patterson  
Secretary

RGP:blf

# New Mexico Register

Volume II No. 8

April 30, 1991

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## RULES

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### NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

#### OIL CONSERVATION DIVISION

State Land Office Building  
Santa Fe, New Mexico 87501

Rule 1206  
Repealing Rule  
Filed with SRC 4-12-91

Rule 1204  
Superseding Rule  
Publication of Notice of Hearing  
Filed with SRC 4-12-91

Rules 1204 and 1206 of the Rules and Regulations of the Oil Conservation Division are hereby repealed.

The following new Rule 1204 is hereby adopted:

#### RULE 1204. PUBLICATION OF NOTICE OF HEARING

Notice of each hearing before the Commission and before a Division Examiner shall be by publication once in accordance with the requirements of Chapter 14, Article 11, N.M.S.A. 1978, in a newspaper of general circulation in the county, or each of the counties if there be more than one, in which any land, oil, gas, or other property which is affected may be situated.

Effective Date: May 1, 1991

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### NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

1190 ST. FRANCIS DRIVE  
P.O. BOX 26110  
SANTA FE, NEW MEXICO 87502

#### CERTIFICATION OF PUBLICATION IN THE NEW MEXICO REGISTER

VOL II, 8 dated 4/30/91

BY: Clair Gullahorn 5-391  
CLAIRE GULLAHORN, MGR/EDITOR

#### PART I GENERAL PROVISIONS

101. SHORT TITLE.— These regulations may be cited as the "Water Supply Regulations".

102. AUTHORITY.— Except as otherwise stated for a specific part of these regulations, these regulations are adopted pursuant to Section 74-1-8 NMSA 1978.

103. DEFINITIONS.— As used in the Water Supply Regulations:

"Act" means the Environmental Improvement Act.

"Administrator" means the Administrator of the United States Environmental Protection Agency or his authorized representative.

"Board" means the Environmental Improvement Board.

"Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

"Community Water System" means a public water supply system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.

"Construction" includes, but is not limited to fabrication, erection or installation of new or replacement structures, equipment, or pipe.

"Contaminant" means any physical, chemical, biological or radiological substance or matter that may adversely affect drinking water.

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

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"n" means a process resulting in substantial particulate removal in which (1) a precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum), and (2) while the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, iodine, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic micro-organisms.

"Disinfection" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

"Distribution facilities" means all pipe appurtenances, booster pumps and pressure reducing stations located on that portion of water line upon which direct service connections are made or lateral lines are connected.

"Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a public water supply system with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

"Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

"Exemption" means a waiver granted by the Secretary to a public water supply system pursuant to Section 106 of these regulations.

"Filtration" means a process for removing particulate matter from water by passage through porous media.

# New Mexico Register

Vol II No. 6  
March 30, 1991

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## NOTICES

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### ALBUQUERQUE/BERNALILLO COUNTY

AIR QUALITY CONTROL BOARD

#### LEGAL NOTICE

On March 13, 1991 at 6:00 p.m., The Albuquerque/Bernalillo County Air Quality Control Board will conduct a public hearing in the basement level (City Council Chambers) of the City/County Government Building at Fifth and Marquette, downtown. The hearing will be to consider the adoption of an Air Pollution Control Regulation Number 37, Stratospheric Ozone Protection. This regulation would require recycling and/or reclamation of CFC refrigerants by automotive repair shops and wreckers of vehicles. The sale of these refrigerants would also be restricted only to those who possess evidence of having approved motor vehicle refrigerant recycling or recovery equipment. At the hearing the Board will accept staff and public input to assist them in deciding the disposition of the proposed amendments to the regulation. Persons desiring to comment or offer technical testimony on the proposals may do so at the hearing or by mailing written statements prior to the hearing. Statements should be addressed to the Air Pollution Control Division, P.O. Box 1293, Albuquerque, NM 87103 and must be received by the hearing date in order to be considered. Copies of the Proposed Regulation Number 37 may be obtained from the Division by telephoning 768-2600 or picked up at Room 3023 of the 1st Civic Plaza (City/County Building).

ALBUQUERQUE/BERNALILLO COUNTY  
AIR QUALITY CONTROL BOARD

Journal, January 20, 1991.

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WPPENV3/2412

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NEW MEXICO DEPARTMENT OF  
AGRICULTURE

### AGRICULTURAL AND ENVIRONMENTAL SERVICES DIVISION

#### NOTICE OF HEARING

Notice is hereby given that pursuant to the New Mexico Pesticide Control Act, Chapter 76, Article 4, Sections 1 through 39, New Mexico Statutes Annotated, 1978 Compilation, there will be a hearing on proposed NMDA No. Rule 91-I.

The purpose of the proposed rule is to revise certification and training requirements for persons licensed to use Livestock Protection Collars and the M-44 Device.

Full text of the proposed rule may be obtained from the New Mexico Department of Agriculture, Agricultural & Environmental Services Division, Box 30005/3AQ, Las Cruces, New Mexico 88003-0005.

The hearing will be held in the conference room of the New Mexico Department of Agriculture Building, corner of Espina and Gregg Streets, on the New Mexico State University campus, Las Cruces, New Mexico, beginning at 10:00 a.m. on April 15, 1991, for the purpose of taking oral testimony. Written statements in support or opposition and signed by the maker will be accepted if received prior to 5:00 p.m. on April 15, 1991. Statements may be sent to the New Mexico Department of Agriculture, Box 30005/Department 3189, Las Cruces, New Mexico 88003-0005.

/s/ Frank A. DuBois, Director/Secretary  
New Mexico Department of Agriculture  
For: Board of Regents, New Mexico State  
University

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### NEW MEXICO OFFICE OF CULTURAL AFFAIRS

MUSEUM OF NEW MEXICO

Board of Regents  
Museum of New Mexico  
113 Lincoln Avenue  
Santa Fe, NM 87504

Public Hearing of the Board of Regents of  
the Museum of New Mexico

Notice is hereby given of a PUBLIC HEARING OF THE BOARD OF REGENTS OF THE MUSEUM OF NEW MEXICO to be held on March 27, 1991 at 9:00 a.m. at the New Mexico Museum's Laboratory of Anthropology at 708 Camino Lejo in Santa Fe, NM. This hearing is scheduled to address and adopt the Museum's proposed policy on Museum COLLECTION, DISPLAY, AND REPATRIATION OF CULTURALLY SENSITIVE MATERIALS.

Interested parties who would like a copy of the proposed policy may contact the Museum's Public Relation's office at 827-6451. Comments may be provided by statement in person at the hearing, submitted in writing at the hearing, or submitted to the Board in writing prior to the hearing.

If you have any questions, please contact this office.

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### NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION  
SANTA FE - NEW MEXICO

The State of New Mexico by its Oil Conservation Commission hereby gives notice pursuant to law and Rules and Regulations of said Commission promulgated thereunder of the following public hearing to be held at 9:00 A.M. on THURSDAY, APRIL 11, 1991, at Morgan Hall, State Land Office Building, Santa Fe, New Mexico.

STATE OF NEW MEXICO TO:

All named parties and persons having any right, title, interest or claim in the following cases and notice to the public.

(NOTE: All land descriptions herein refer to the New Mexico Principal Meridian whether or not so stated.)

CASE 10279:

In the matter of the hearing called by the Oil Conservation Division on its own motion for an order repealing Rules 1204 and 1206 of the rules and regulations of the Division and adopting a new Rule 1204. The Division seeks to eliminate the requirement for publishing notice in Santa Fe County and require

# New Mexico Register

Vol. II No. 6  
March 30, 1991

publication of notice in a newspaper of general circulation in the county() where the property which may be affected is located.

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## NEW MEXICO HEALTH AND ENVIRONMENT DEPARTMENT

### ENVIRONMENTAL IMPROVEMENT BOARD

#### NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED PART XV OF THE UNDERGROUND STORAGE REGULATIONS

The New Mexico Environmental Improvement Board will hold a public hearing on May 31, 1991, beginning at 9:00 a.m., in the NM Highway Department Auditorium, 7500 E. Frontage Road (off I-25), Albuquerque, New Mexico, to consider proposed Part XV to the Underground Storage Tank Regulations mandated by the Ground Water Protection Act (GWPA) Sections 74-6B-1 to 11, NMSA 1978.

The proponents of the regulations are the Environmental Improvement Division of the Health and Environment Department and the Underground Storage Tank Committee created by GWPA. The new regulations will 1) establish Division priorities for corrective action at sites contaminated by releases of regulated substances from Underground Storage Tanks; 2) define "minimum site assessment;" and 3) set procedures for administering the corrective action fund created by GWPA. The proposed regulations may be reviewed during regular business hours at all EID District and Field offices and at the office of the Environmental Improvement Board, Harold Runnels Building, 1190 St. Francis Drive, Room S-4100, Santa Fe, NM. Copies may be obtained by contacting Robert H. Dunn, Program Manager, Underground Storage Tank Bureau, 1190 St. Francis Drive, Room S-2100, Santa Fe, NM, telephone number 827-2914.

All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits

and to examine witnesses in accordance with the Environmental Improvement Act Section 74-1-9 NMSA 1978 and the Board's Guidelines Governing hearings.

Persons desiring to present technical testimony shall submit to the Board a written statement of intent to do so. Any person who will paraphrase, summarize or read from a prepared statement must submit the written testimony together with the statement of intent. The notice of intent and written statement shall be received in the office of the Board no later than ten (10) working days (May 17, 1991) prior to the hearing. The notice of intent shall include:

- name and qualification of each technical witness;
- the name of the person proffering the witness;
- whether the person proffering the witness is a proponent, opponent or interested party;
- describe the nature, subject and anticipated length of the testimony;
- identify the specific aspects and proposed action along with alternative language proposal where appropriate;
- list and describe technical exhibits to be offered in connection with the witness' testimony.

Notices of intent and written statements, or written statement to be incorporated into the public record must be submitted no later than 5:00 p.m. May 17, 1991 and shall be entitled: "Statement for the public record regarding proposed UST PART XV: May 31, 1991."

ss/Roy Walker, Acting Chairman

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## NEW MEXICO HUMAN SERVICES DEPARTMENT

### MEDICAL ASSISTANCE DIVISION

The New Mexico Human Services Department will hold a hearing on May 1, 1991, at 9:00 a.m. in the conference room of the Kennedy Building (located at 331 Sandoval Street in Santa Fe, New Mexico).

Pursuant to recently issued federal regulations, the Department proposes to clarify that portion of Medicaid Extension policy which grants eligibility to certain disabled widow(er)s.

Section 5103 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90) extends Medicaid coverage to disabled widow(er)s and disabled surviving divorced spouses who lose SSI eligibility due to the initial receipt of, or increase in, disabled widow(er)'s/disabled surviving divorced spouse's Title II benefits.

Interested persons may testify at this hearing or may submit written comments no later than May 1, 1991 to Richard W. Heim, Secretary, Human Services Department, P.O. Box 2348, Santa Fe, New Mexico 87504-2348.

Copies of the proposed regulation may be obtained by sending a self-addressed stamped envelope to Medical Assistance Division, P.O. Box 2348, Santa Fe, New Mexico 87504-2348.

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## NEW MEXICO HUMAN SERVICES DEPARTMENT

### MEDICAL ASSISTANCE DIVISION

The New Mexico Human Services Department will hold a hearing on May 9, 1991, at 9:00 a.m. in the conference room of the Kennedy Building (located at 331 Sandoval Street in Santa Fe, New Mexico).

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) added provisions that allowed the Medicaid Program to upgrade the content and quality of prenatal services covered by Medicaid. COBRA offered states an opportunity to develop programs of perinatal care that will better serve the needs of low-income pregnant women.

The Omnibus Budget Reconciliation Act of 1989 (OBRA '89) provides for necessary health care for Medicaid eligible children under 21 years through the Early Periodic Screening, Diagnosis, and Treatment (EPSDT) Program. Included are diagnostic services, as well as treatment, and other measures to correct or ameliorate defects, and physical and mental illnesses and conditions as discovered through