

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

**IN THE MATTER OF PROPOSED
AMENDMENTS TO THE COMMISSION'S
RULES ON RELEASES,
19.15.29.6, 19.15.29.8, and 19.15.29.15 NMAC**

CASE NO. 21834

**NEW MEXICO OIL CONSERVATION DIVISION'S
PRE-HEARING STATEMENT**

The New Mexico Oil Conservation Division (“OCD”) submits this Pre-Hearing Statement in accordance with 19.15.3.11(B) NMAC.

I. STATEMENT OF THE CASE

The Energy, Minerals and Natural Resources Department, Oil Conservation Division (“OCD”), proposes to prohibit major and minor releases of oil, gases, produced water, oil field waste, and other contaminants during oil and gas development and production by revising three sections of 19.15.29 NMAC – *Releases* as follows:

Section 6: Revising the objective to include the prohibition of releases.

Section 8(A): Adding a new section to prohibit major and minor releases.

Section 15: Conforming the enforcement provision for consistency with the recently adopted changes to 19.15.5 NMAC.

II. PROPOSED MODIFICATIONS

OCD proposes to modify new section 8(A) to add the phrase “Except as provided in Parts 27 or 28”.

III. TESTIMONY AND EXHIBITS

Testimony

Mr. Jim Griswold is Special Projects Manager and former Environmental Bureau Chief for OCD. He received a B.S. degree from the New Mexico Institute of Mining and Technology. Mr. Griswold's qualifications are described in Exhibit 1.

Mr. Griswold will testify regarding the OCD's historical regulation of releases, OCD's database of reported releases between 2010 and 2020, the nature of major and minor releases that require remediation, the proposed modifications, and OCD's perspective on the benefits of the proposed modifications. Mr. Griswold will offer the following exhibits.

Exhibit 1	Curriculum Vitae of Jim Griswold
Exhibit 2	Rule 116 – 1991
Exhibit 3	Remediation Guidance – 1993
Exhibit 4	Rule 116 - 1997
Exhibit 5	Part 29 – 2008
Exhibit 6	Proposed Modifications to Part 29

OCD estimates that Mr. Griswold will testify for 20 minutes.

OCD reserves the right to call additional witnesses to testify and offer exhibits regarding modifications proposed by other parties and to present rebuttal testimony and exhibits.

III. PROCEDURAL MATTERS

As of the time of this filing, OCD is not aware of any procedural matters to be resolved prior to the hearing.

Respectfully submitted,



Eric Ames
Jesse Tremaine
Assistant General Counsels
New Mexico Energy Minerals and Natural
Resources Department
1220 S. St. Francis Drive
Santa Fe, New Mexico 87505
(575) 741-1231
(505) 231-9312
eric.ames@state.nm.us
jessek.tremaine@state.nm.us

CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was mailed electronically on May 21, 2021 to:

Daniel Timmons, Esq.
WildEarth Guardians
301 N. Guadalupe Street, Suite 201
Santa Fe, NM. 87501
(505) 570-7014
dtimmons@wildearthguardians.org

Attorney for WildEarth Guardians

Michael H. Feldewert, Esq.
Adam G. Rankin, Esq.
Holland & Hart
P.O. Box 2208
Santa Fe, New Mexico 87504
agrarkin@hollandhart.com
mfeldewert@hollandhart.com

Attorney for New Mexico Oil & Gas Association

Andrew J. Cloutier
Hinkle Shanor
P.O. Box 10
Roswell, New Mexico 88202-0010
acloutier@hinklelawfirm.com

Attorney for Independent Petroleum Association of New Mexico



Eric Ames