

PIT RULE HEARING NOTICE

HEARING	NOTICE	NM REGISTER PUBLICATION	ALBUQUERQUE JOURNAL PUBLICATION	DOCKET	SBRC NOTIFICATION	WEB POSTING
June 20, 2012						
A	05/16/12					
B		05/31/12				
C			05/31/12			
D				05/30/12		
E					06/04/12	
F						05/30/12
August 28, 2012						
G	07/05/12					
H		07/31/12				
I			07/08/12			
J				08/08/12		
K					08/07/12 08/08/12	
L						08/08/12

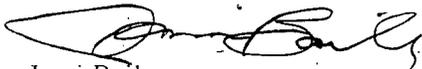
STATE OF NEW MEXICO
ENERGY, MINERAL AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

The State of New Mexico, through the Oil Conservation Commission (Commission) has been conducting a public hearing regarding Case No. 14784 (APPLICATION OF THE NEW MEXICO OIL AND GAS ASSOCIATION FOR AMENDMENT OF CERTAIN PROVISIONS OF TITLE 19, CHAPTER 15 OF THE NEW MEXICO ADMINISTRATIVE CODE CONCERNING PITS, CLOSED-LOOP SYSTEMS, BELOW GRADE TANKS, SUMPS AND OTHER ALTERNATIVE METHODS RELATED TO THE FOREGOING AND AMENDING OTHER RULES TO CONFORMING CHANGES, STATEWIDE.) and Case No. 14785 (APPLICATION OF THE INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO FOR AMENDMENT OF CERTAIN PROVISIONS OF TITLE 19, CHAPTER 15 OF THE NEW MEXICO ADMINISTRATIVE CODE CONCERNING PITS, CLOSED-LOOP SYSTEMS, BELOW GRADE TANKS, SUMPS AND OTHER ALTERNATIVE METHODS RELATED TO THE FOREGOING AND AMENDING OTHER RULES TO CONFORMING CHANGES, STATEWIDE.) The Commission hereby gives notice that the hearing has not concluded and will resume at 9 a.m. on June 20, 2012 in Porter Hall at 1220 South Saint Francis Drive, Santa Fe, New Mexico. The hearing shall continue until the Commission reaches a decision.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Ms. Florene Davidson at (505) 476- 3458 or through the New Mexico Relay Network at 1-800-659-1779 by June 8, 2012. Public documents can be provided in various forms. Please contact Ms. Davidson if a summary or other type of form is needed. A preliminary agenda will be available to the public no later than two weeks prior to the meeting. A final agenda will be available no later than 24 hours preceding the meeting. Members of the public may obtain copies of the agenda by contacting Ms. Davidson at the phone number indicated above. In addition, the agenda will be posted on the Oil Conservation Division's website at www.emnrd.state.nm.us/ocd/.

Given under the seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 16th day of May, 2012.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION



Jami Bailey
Oil Conservation Commission Chair

New Mexico Register / Volume XXIII, Number 10 / May 31, 2012

STATE OF NEW MEXICO
ENERGY, MINERAL AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

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STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

Jami Bailey
Oil Conservation Commission Chair

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AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
County of Bernalillo SS

Linda MacEachen, being duly sworn, declares and says that she is Classified Advertising Manager of **The Albuquerque Journal**, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made or assessed as court cost; that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 times, the first publication being on the 31st day of May, 2012, and the subsequent consecutive publications on _____, 20____.

Linda MacEachen
Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 5th day of June of 2012.

PRICE \$78.87

Statement to come at end of month.

ACCOUNT NUMBER C80932

 OFFICIAL SEAL
David M. Noel
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 10-15-15

[Handwritten signature]

New Mexico Energy, Mineral and Natural Resources Department
STATE OF NEW MEXICO ENERGY, MINERAL AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO
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STATE OF NEW MEXICO OIL CONSERVATION COMMISSION
Jami Bailey, Oil Conservation Commission Chair
Journal, May 31, 2012

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Duran-Saenz, Theresa, EMNRD

From: Duran-Saenz, Theresa, EMNRD
Sent: Wednesday, May 30, 2012 9:11 AM
To: (hconder@riceswd.com); (kjones@riceswd.com); (lpena@riceswd.com); (mpf@stateside.com); Balch (balch@prrc.nmt.edu); (ballen@sesi-nm.com); (charlie.perrin@state.nm.us); (cheryls@yatespetroleum.com); Chuck Creekmore (Chuck.Creekmore@conocophillips.com); (dale@capstoneoil.com); (dboneau@pvtnetworks.net); Brooks, David K., EMNRD (david.brooks@state.nm.us); (dexterh@forl.com); Diane Ellenburg (Diane_Ellenburg@blm.gov); (dneeper@earthlink.net); (dlehman@energen.com); (ekendrick@montand.com); Gabrielle Gerholt (Gabrielle.Gerholt@state.nm.us); VonGonten, Glenn, EMNRD (Glenn.VonGonten@state.nm.us); (gbloom@slo.state.nm.us); (hdangler@slo.state.nm.us); J. Scott Hall (shall@montand.com); Jami Bailey (jamie.bailey@state.nm.us); (jan.wooldridge@dvn.com); (jtportwood@mindspring.com); Jimmy D. Carlile (jimmyc@forl.com); Julia Ruetten (Julia.ruetten@state.nm.us); Karin V. Foster (fosterassociates2005@yahoo.com); Kate McGraw (katiemac@cybermesa.com); Keith_Barton@oxy.com; (kmooss@slo.state.nm.us); Linda Fieseler (Lfieseler@nearburg.com); Lisa Curry Gray (lisa@lcgraylaw.com); Marita Blakeman; (markm@forl.com); (nmwgi@nmagriculture.org); (rel@dfn.com); Paul M. O'Sullivan (Paul.OSullivan@rlcorp.com); Rachel Jankowitz (rachel.jankowitz@state.nm.us); Dade, Randy, EMNRD (Randy.Dade@state.nm.us); Ray Powell (rpowell@slo.state.nm.us); (rtupman@hess.com); Richard Corcoran (Richard.Corcoran@conocophillips.com); (richard.ezeanyim@state.nm.us); (Rick_Foppiano@oxy.com); shane@spearbrothersgroup.com; Sonny Swazo (Sonny.Swazo@state.nm.us); (stan.phillips@apachecorp.com); (syahney@heyco.org); Warnell, Terry G, EMNRD (TerryG.Warnell@state.nm.us); Tony Herrell (Tony_Herrell@blm.gov); Tyra Feil (Tyra.Feil@duganproduction.com); Jones, William V., EMNRD (William.V.Jones@state.nm.us); 'Patricia Clugston'
Cc: Davidson, Florene, EMNRD
Subject: June 20, 2012 OCC Meeting Preliminary Docket No. 18-12
Attachments: Docket No. 18-12 preliminary.pdf; Docket No. 18-12 preliminary.doc

The message is ready to be sent with the following file or link attachments:

Docket No. 18-12 preliminary.pdf
Docket No. 18-12 preliminary.doc

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

*Post on
Hearing
PAGE*

Duran-Saenz, Theresa, EMNRD

From: Duran-Saenz, Theresa, EMNRD
Sent: Wednesday, May 30, 2012 9:12 AM
To: (rrmiles@cableone.net); (myoung@mewbourne.com); (jbyrom@djsimmonsinc.com); (dgirand@mackenergycorp.com); (csecows@aol.com); (sallyk@forl.com); (rhodge@northstarop.com); (llrwb@austin.rr.com); (jdewbre@swn.com); (ddrdmidland@aol.com); (BRANA1223@aol.com); Adan Trujillo (adantrujillo@gmail.com); New Mexico Tech. (balch@prc.nmt.edu); (ballen@sesi-nm.com); (charlie.perrin@state.nm.us); (chris.wyatt@bp.com); (dan_mccright@eogresources.com); (dboneau@pvtnetworks.net); (dexterh@forl.com); (dneeper@earthlink.net); (dlehman@energen.com); (ekendrick@montand.com); Gonzales, Elidio L, EMNRD (ElidioL.Gonzales@state.nm.us); Elizabeth Taylor (etaylor@wtmlawfirm.com); Gabrielle Gerholt (Gabrielle.Gerholt@state.nm.us); George Holliday (ghh@att.net); (gbloom@slo.state.nm.us); (hdangler@slo.state.nm.us); J. Scott Hall (shall@montand.com); (jami.bailey@state.nm.us); (jan.wooldridge@dvn.com); (jtportwood@mindspring.com); JD Steven M. Feisal (sfeisal@chkenergy.com); Jolene McCaleb (jmccaleb@wtmlawfirm.com); (Julia.ruetten@state.nm.us); Karen_Sinard@oxy.com; Karin V. Foster (fosterassociates2005@yahoo.com); Kate McGraw (katiemac@cybermesa.com); (kristen.howell@williams.com); (gandy2@leaco.net); (markm@forl.com); Mark Bell (Mark.Bell@apachecorp.com); (mjc@gallegoslawfirm.net); Ray Powell (rpowell@slo.state.nm.us); (rtupman@hess.com); (richard.ezeanyim@state.nm.us); (Rick_Foppiano@oxy.com); (shane@spearbrothersgroup.com); Bonham, Sherry, EMNRD (Sherry.Bonham@state.nm.us); Sonny Swazo (Sonny.Swazo@state.nm.us); (stan.phillips@apachecorp.com); (tony_herrell@blm.gov); (tyrafeil@duganproduction.com); (Wade.Jackson@state.nm.us); (wcarr@hollandhart.com)
Cc: Davidson, Florene, EMNRD
Subject: June 20, 2012 OCC Meeting preliminary Docket No. 18-12
Attachments: Docket No. 18-12 preliminary.doc; Docket No. 18-12 preliminary.pdf

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*Posted on
Rules Page*

Duran-Saenz, Theresa, EMNRD

From: Jackson, Wade, EDD
Sent: Monday, June 04, 2012 10:13 AM
To: Duran-Saenz, Theresa, EMNRD
Subject: RE: Notice of Rulemaking

Thanks Theresa.

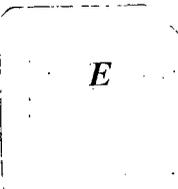
Wade L. Jackson
General Counsel
New Mexico Economic Development Department
1100 St. Francis Drive
Suite 1060
Santa Fe NM 87505
Tel: 505-827-0241
Tel: 800-374-3061
Fax: 505-827-0328
Wade.Jackson@state.nm.us

Report suspected child abuse or neglect by calling **#SAFE** (#7233) from a cell phone or **1-855-333-SAFE**.

From: Duran-Saenz, Theresa, EMNRD
Sent: Monday, June 04, 2012 10:13 AM
To: Jackson, Wade, EDD
Cc: Gerholt, Gabrielle, EMNRD
Subject: Notice of Rulemaking

Dear Mr. Jackson,
Pursuant to NMSA 14-4A-4, the Oil Conservation Division is providing your agency with notice of rulemaking scheduled for June 20, 2012. If you have any questions, please contact Gabrielle Gerholt at 476-3451 or by e-mail.

Have a nice day.





NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION

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RULES

Current Rules:

OCD Rules, found in Parts 1 thru 39 of Title 19, Chapter 15 of the New Mexico Administrative Code, are periodically compiled and posted into this searchable PDF document for your convenience.

OCD Rules Index: The Oil Conservation Division (OCD) provides this index as a courtesy.

For the most up-to-date version of OCD's rules or to investigate the rules of other New Mexico state agencies please visit our state's Commission for Public Records' official website via the links below:

[New Mexico Administrative Code \(*indexed*\)](#)
[New Mexico Administrative Code \(*searchable*\)](#)

OCD Rule Cross Walks:

[Old Rules to Current Rules](#)
[Current Rules to Old Rules](#)

[Rules](#)

New Mexico Statutes:

[Oil and Gas Act, NMSA 1978](#)

Proposed Rule Changes:

PITS, CLOSED-LOOP SYSTEMS, BELOW-GRADE TANKS & SUMPS

Title 19, Chapter 15, Parts 17

Application - New Mexico Oil & Gas Association (posted 10-3-11)

Title 19, Chapter 15, Part 17; Title 19, Chapter 15. Part 39.8.B

Application - Independent Petroleum Association (posted 11-30-11)

TRANSCRIPT

[Volume I](#)

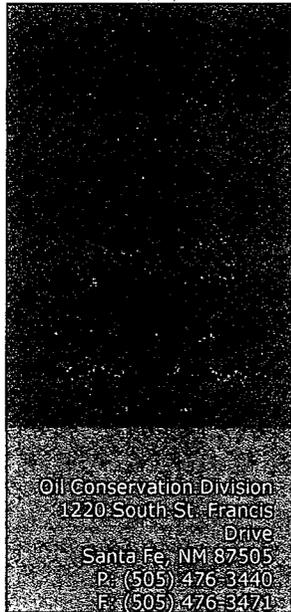
[Volume II](#)

[Volume III](#)

[Volume IV](#)

[Volume V](#)

[Volume VI](#)



Volume VII
Volume VIII
Volume IX

NOTICE

Preliminary Docket (posted 8-8-12)
Notice (posted 7-16-12)
Final Docket (posted 6-25-12)
Final Docket (posted 6-18-12)
→ Preliminary Docket (posted 5-30-12)
Notice of Continuance (posted 5-29-12)
Final Docket (posted 5-7-12)
Preliminary Docket (posted 4-20-12)
Notice of Hearing (posted 4-2-12)
Pre-hearing Conference Denial (posted 1-19-12)
Request for Pre-hearing Conference (posted 1-19-12)
Order of Continuance (posted 1-19-12)
Protest of Continuance (posted 1-17-12)
Joint Motion for Continuance (posted 1-13-12)
Final Docket (posted 1-20-12)
Preliminary Docket (posted 12-30-11)
Notice of Hearing (posted 12-16-11)

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ENERGY, MINERAL AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO**

The State of New Mexico, through its Oil Conservation Commission (Commission), hereby gives notice that the Commission will resume a public hearing at 9 a.m. on August 28, 2012, in Porter Hall at 1220 South Saint Francis Drive, Santa Fe, New Mexico. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Ms. Florene Davidson at (505) 476- 3458 or through the New Mexico Relay Network at 1-800-659-1779 by August 17, 2012. Public documents can be provided in various forms. Please contact Ms. Davidson if a summary or other type of form is needed. A preliminary agenda will be available to the public no later than two weeks prior to the meeting. A final agenda will be available no later than 24 hours preceding the meeting. Members of the public may obtain copies of the agenda by contacting Ms. Davidson at the phone number indicated above. Also, the agenda will be posted on the Oil Conservation Division's website at www.emnrd.state.nm.us/ocd/.

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**All named parties and persons
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Case No.14784: APPLICATION OF THE NEW MEXICO OIL AND GAS ASSOCIATION FOR AMENDMENT OF CERTAIN PROVISIONS OF TITLE 19, CHAPTER 15 OF THE NEW MEXICO ADMINISTRATIVE CODE CONCERNING PITS, CLOSED-LOOP SYSTEMS, BELOW GRADE TANKS, SUMPS AND OTHER ALTERNATIVE METHODS RELATED TO THE FOREGOING AND AMENDING OTHER RULES TO CONFORMING CHANGES, STATEWIDE. The New Mexico Oil and Gas Association requests an order amending Commission Rules concerning pits, closed-loop systems, below grade tanks, sumps and other alternative methods related to the foregoing proposed amendments, codified as Part 17 of the Rules of the Oil Conservation Division [19.15.17 NMAC]. The proposed amendments are to (i) revise the permitting and registration requirements for permanent pits, temporary pits and below grade tanks; (ii) eliminate the permitting, design, construction and operational requirements for closed-loop systems while requiring that drying pads be designed and constructed to prevent contamination of water; for sumps used to collect liquids from cuttings; and for berms constructed to prevent run-on; (iii) revise the siting, design, construction, operation, closure and site reclamation provisions for temporary pits, permanent pits, drying pads, below grade tanks and tanks associated with closed-loop systems, (iv) authorize standardized plans for pit construction, closure and other matters; (v) adopt a definition for "low chloride" drilling fluids and the establishment of siting, closure and remediation requirements for temporary pits based on the chloride concentration in the waste and the distance between the waste and ground water or a flowing water course; (vi) authorize and adopt requirements for the permitting, siting, design, construction,

operation and closure for "multi-well fluid management pits"; (vii) revise the rules governing the testing and removal of below grade tanks; (viii) revise the rules governing onsite disposal in pits and trenches; (ix) revise the rules governing releases, waste testing and excavation and the concentration of wastes disposed in temporary pits or burial trenches; (x) revise the requirements for remediation and site reclamation including contouring and re-vegetation; (xi) revise the rules governing variances and exceptions to these rules to provide for their approval by the appropriate division district office pursuant to procedures set out in the proposed amendments; (xii) revise and adopt rules and procedures set out in the proposed amendments; (xiii) revise and adopt rules and procedures governing the Oil Conservation Division's notice, processing and approval of applications filed pursuant to these rules, (xiv) revise the rules governing transfer of a permit; and (xv) otherwise change the Commission's requirements concerning permitting, design, construction, operation and closure of pits and below grade tanks, operation of sumps and other alternative methods that may be proposed for use in lieu of pits or below grade tanks used in oil and gas operations.

Copies of the text of the proposed amendments are available from the Oil Conservation Division's Administrator, Florene Davidson at (505) 476-3458 or from the Division's website at <http://www.emnrd.state.nm.us/ocd/Rules.htm>.

Case No.14785: APPLICATION OF THE INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO FOR AMENDMENT OF CERTAIN PROVISIONS OF TITLE 19, CHAPTER 15 OF THE NEW MEXICO ADMINISTRATIVE CODE CONCERNING PITS, CLOSED-LOOP SYSTEMS, BELOW GRADE TANKS, SUMPS AND OTHER ALTERNATIVE METHODS RELATED TO THE FOREGOING AND AMENDING OTHER RULES TO CONFORMING CHANGES, STATEWIDE. The Independent Petroleum Association of New Mexico requests an order amending Commission Rules concerning pits, closed-loop systems, below grade tanks, sumps and other alternative methods related to the foregoing proposed amendments, codified as Part 17 of the Rules of the Oil Conservation Division [19.15.17 NMAC]. The proposed amendments are to (i) revise the permitting and registration requirements for permanent pits, temporary pits and below grade tanks; (ii) eliminate the permitting, design, construction and operational requirements for closed-loop systems while requiring that drying pads be designed and constructed to prevent contamination of water; for sumps used to collect liquids from cuttings; and for berms constructed to prevent run-on; (iii) revise the siting, design, construction, operation, closure and site reclamation provisions for temporary pits, permanent pits, drying pads, below grade tanks and tanks associated with closed-loop systems, (iv) authorize standardized plans for pit construction, closure and other matters; (v) adopt a definition for "low chloride" drilling fluids and the establishment of siting, closure and remediation requirements for temporary pits based on the chloride concentration in the waste and the distance between the waste and ground water or a flowing water course; (vi) authorize and adopt requirements for the permitting, siting, design, construction, operation and closure for "multi-well fluid management pits"; (vii) revise the rules governing the testing and removal of below grade tanks; (viii) revise the rules governing onsite disposal in pits and trenches; (ix) revise the rules governing releases, waste testing and excavation and the concentration of wastes disposed in temporary pits or burial trenches; (x) revise the requirements for remediation and site reclamation including contouring and re-vegetation; (xi) revise the rules governing variances and exceptions to these rules to provide for their approval by the appropriate division district office pursuant to procedures set out in the proposed amendments; (xii) revise and

adopt rules and procedures set out in the proposed amendments; (xiii) revise and adopt rules and procedures governing the Oil Conservation Division's notice, processing and approval of applications filed pursuant to these rules, (xiv) revise the rules governing the transfer of a permit; and (xv) otherwise change the Commission's requirements concerning permitting, design, construction, operation and closure of pits and below grade tanks, operation of sumps and other alternative methods that may be proposed for use in lieu of pits or below grade tanks used in oil and gas operations.

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Given under the seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 5th day of July, 2012.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION



Jami Bailey
Oil Conservation Commission Chair

New Mexico Register / Volume XXIII, Number 14 / July 31, 2012

**STATE OF NEW MEXICO
ENERGY, MINERAL AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO**

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The New Mexico Oil and Gas Association requests an order amending Commission Rules concerning pits, closed-loop systems, below grade tanks, sumps and other alternative methods related to the foregoing proposed amendments, codified as Part 17 of the Rules of the Oil Conservation Division [19.15.17 NMAC]. The proposed amendments are to (i) revise the permitting and registration requirements for permanent pits, temporary pits and below grade tanks; (ii) eliminate the permitting, design, construction and operational requirements for closed-loop systems while requiring that drying pads be designed and constructed to prevent contamination of water; for sumps used to collect liquids from cuttings; and for berms constructed to prevent run-on; (iii) revise the siting, design, construction, operation, closure and site reclamation provisions for temporary pits, permanent pits, drying pads, below grade tanks and tanks associated with closed-loop systems, (iv) authorize standardized plans for pit construction, closure and other matters; (v) adopt a definition for "low chloride" drilling fluids and the establishment of siting, closure and remediation requirements for temporary pits based on the chloride concentration in the waste and the distance between the waste and ground water or a flowing water course; (vi) authorize and adopt requirements for the permitting, siting, design, construction, operation and closure for "multi-well fluid management pits"; (vii) revise the rules governing the testing and removal of below grade tanks; (viii) revise the rules governing onsite disposal in pits and trenches; (ix) revise the rules governing releases, waste testing and excavation and the concentration of wastes disposed in temporary pits or burial trenches; (x) revise the requirements for remediation and site reclamation including contouring and re-vegetation; (xi) revise the rules governing variances and exceptions to these rules to provide for their approval by the appropriate division district office pursuant to procedures set out in the proposed amendments; (xii) revise and adopt rules and procedures set out in the proposed amendments; (xiii) revise and adopt rules and procedures governing the Oil Conservation Division's notice, processing and approval of applications filed pursuant to these rules, (xiv) revise the rules governing transfer of a permit; and (xv) otherwise change the Commission's requirements concerning permitting, design, construction, operation and closure of pits and below grade tanks, operation of sumps and other alternative methods that may be proposed for use in lieu of pits or below grade tanks used in oil and gas operations.

Copies of the text of the proposed amendments are available from the Oil Conservation Division's Administrator, Florene Davidson at (505) 476-3458 or from the Division's website at <http://www.emnrd.state.nm.us/ocd/Rules.htm>.

Case No.14785: APPLICATION OF THE INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO FOR AMENDMENT OF CERTAIN PROVISIONS OF TITLE 19, CHAPTER 15 OF THE NEW MEXICO ADMINISTRATIVE CODE CONCERNING PITS, CLOSED-LOOP SYSTEMS, BELOW GRADE TANKS, SUMPS AND OTHER ALTERNATIVE METHODS RELATED TO THE FOREGOING AND AMENDING OTHER RULES TO CONFORMING CHANGES, STATEWIDE.

The Independent Petroleum Association of New Mexico requests an order amending Commission Rules concerning pits, closed-loop systems, below grade tanks, sumps and other alternative methods related to the foregoing proposed amendments, codified as Part 17 of the Rules of the Oil Conservation Division

H

[19.15.17 NMAC]. The proposed amendments are to (i) revise the permitting and registration requirements for permanent pits, temporary pits and below grade tanks; (ii) eliminate the permitting, design, construction and operational requirements for closed-loop systems while requiring that drying pads be designed and constructed to prevent contamination of water; for sumps used to collect liquids from cuttings; and for berms constructed to prevent run-on; (iii) revise the siting, design, construction, operation, closure and site reclamation provisions for temporary pits, permanent pits, drying pads, below grade tanks and tanks associated with closed-loop systems, (iv) authorize standardized plans for pit construction, closure and other matters; (v) adopt a definition for "low chloride" drilling fluids and the establishment of siting, closure and remediation requirements for temporary pits based on the chloride concentration in the waste and the distance between the waste and ground water or a flowing water course; (vi) authorize and adopt requirements for the permitting, siting, design, construction, operation and closure for "multi-well fluid management pits"; (vii) revise the rules governing the testing and removal of below grade tanks; (viii) revise the rules governing onsite disposal in pits and trenches; (ix) revise the rules governing releases, waste testing and excavation and the concentration of wastes disposed in temporary pits or burial trenches; (x) revise the requirements for remediation and site reclamation including contouring and re-vegetation; (xi) revise the rules governing variances and exceptions to these rules to provide for their approval by the appropriate division district office pursuant to procedures set out in the proposed amendments; (xii) revise and adopt rules and procedures set out in the proposed amendments; (xiii) revise and adopt rules and procedures governing the Oil Conservation Division's notice, processing and approval of applications filed pursuant to these rules, (xiv) revise the rules governing the transfer of a permit; and (xv) otherwise change the Commission's requirements concerning permitting, design, construction, operation and closure of pits and below grade tanks, operation of sumps and other alternative methods that may be proposed for use in lieu of pits or below grade tanks used in oil and gas operations.

Copies of the text of the proposed amendments are available from the Oil Conservation Division's Administrator, Florene Davidson at (505) 476-3458 or from the Division's website at <http://www.emnrd.state.nm.us/ocd/Rules.htm>.

Given under the seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 5th day of July, 2012.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

Jami Bailey
Oil Conservation Commission Chair

AFFIDAVIT OF PUBLICATION

OK
fil

STATE OF NEW MEXICO
ENERGY, MINERAL AND
NATURAL RESOURCES
DEPARTMENT
OIL CONSERVATION
COMMISSION
SANTA FE, NEW MEXICO

STATE OF NEW MEXICO
County of Bernalillo SS

The State of New Mexico, through its Oil Conservation Commission (Commission), hereby gives notice that the Commission will resume a public hearing at 9 a.m. on August 26, 2012, in Porter Hall at 1220 South Saint Francis Drive, Santa Fe, New Mexico. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Ms. Florene Davidson at (505) 476-3458 or through the New Mexico Relay Network at 1-800-659-1779 by August 17, 2012. Public documents can be provided in various forms. Please contact Ms. Davidson if a summary or other type of form is needed. A preliminary agenda will be available to the public no later than two weeks prior to the meeting. A final agenda will be available no later than 24 hours preceding the meeting. Members of the public may obtain copies of the agenda by contacting Ms. Davidson at the phone number indicated above. Also, the agenda will be posted on the Oil Conservation Division's website at www.emnrd.state.nm.us/ocd/.
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. Case No. 14784: APPLICATION OF THE NEW MEXICO OIL AND GAS ASSOCIATION FOR AMENDMENT OF CERTAIN PROVISIONS OF TITLE 19, CHAPTER 15 OF THE NEW MEXICO ADMINISTRATIVE

Linda MacEachen, being duly sworn, declares and says that she is Classified Advertising Manager of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made or assessed as court cost; that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 times, the first publication being on the 8 day of July 2012, and the subsequent consecutive publications on _____

_____, 20_____

Linda MacEachen

Sworn and subscribed before me, a Notary Public, in and

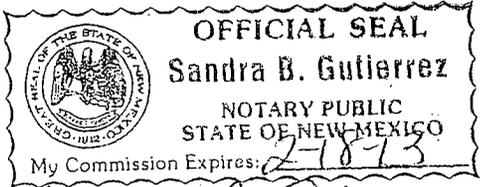
for the County of Bernalillo and State of New Mexico this

9 day of July of 2012

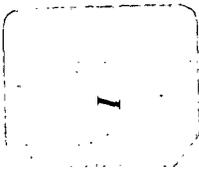
PRICE \$ 177.29

Statement to come at end of month.

ACCOUNT NUMBER C 809.32



Sandra B. Gutierrez



MEXICO ADMINISTRATIVE CODE CONCERNING PITS, CLOSED-LOOP SYSTEMS, BELOW GRADE TANKS, SUMPS AND OTHER ALTERNATIVE METHODS RELATED TO THE FOREGOING AND AMENDING OTHER RULES TO CONFORMING CHANGES, STATEWIDE.

The New Mexico Oil and Gas Association requests an order amending Commission Rules concerning pits, closed-loop systems, below grade tanks, sumps and other alternative methods related to the foregoing proposed amendments, codified as Part 17 of the Rules of the Oil Conservation Division [19.15.17 NMAC]. The proposed amendments are to (i) revise the permitting and registration requirements for permanent pits, temporary pits and below grade tanks; (ii) eliminate the permitting, design, construction and operational requirements for closed-loop systems while requiring that drying pads be designed and constructed to prevent contamination of water; for sumps used to collect liquids from cuttings; and for berms constructed to prevent run-on; (iii) revise the siting, design, construction, operation, closure and site reclamation provisions for tempo-

rary pits, permanent pits, drying pads, below grade tanks and tanks associated with closed-loop systems; (iv) authorize standardized plans for pit construction, closure and other matters; (v) adopt a definition for "low chloride" drilling fluids and the establishment of siting, closure and remediation requirements for temporary pits based on the chloride concentration in the waste and the distance between the waste and ground water or a flowing water course; (vi) authorize and adopt requirements for the permitting, siting, design, construction, operation and closure for "multi-well fluid management pits"; (vii) revise the rules governing the testing and removal of below grade tanks; (viii) revise the rules governing onsite disposal in pits and trenches; (ix) revise the rules governing releases, waste testing and excavation and the concentration of wastes disposed in temporary pits or burial trenches; (x) revise the requirements for remediation and site reclamation including contouring and revegetation; (xi) revise the rules governing variances and exceptions to these rules to provide for their approval by the appropriate division district office pursuant to procedures set out in the proposed amendments; (xii) revise and adopt rules and procedures set out in the proposed amendments; (xiii) revise and adopt rules and procedures governing the Oil Conservation Division's notice, processing and approval of applications filed pursuant to these rules; (xiv) revise the rules governing transfer of a permit; and (xv) otherwise change the Commission's requirements concerning permitting, design, construction, operation and closure of pits and below grade tanks, operation of sumps and other alternative methods that may be proposed for use in lieu of pits or below grade tanks used in oil and gas operations. Copies of the text of the proposed amendments are available from the Oil Conservation Division's Administrator, Florene Davidson at (505) 476-3458 or from the Division's website at <http://www.emnrd.state.nm.us/ocd/Rules.htm>. Case No. 14785: APPLICATION OF THE INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO FOR AMENDMENT OF CERTAIN PROVISIONS OF TITLE 19.

CHAPTER 15 OF THE NEW MEXICO ADMINISTRATIVE CODE CONCERNING PITS, CLOSED-LOOP SYSTEMS, BELOW GRADE TANKS, SUMPS AND OTHER ALTERNATIVE METHODS RELATED TO THE FOREGOING AND AMENDING OTHER RULES TO CONFORMING CHANGES, STATEWIDE.

The Independent Petroleum Association of New Mexico requests an order amending Commission Rules concerning pits, closed-loop systems, below grade tanks, sumps and other alternative methods related to the foregoing proposed amendments, codified as Part 17 of the Rules of the Oil Conservation Division [19.15.17 NMAC]. The proposed amendments are to (i) revise the permitting and registration requirements for permanent pits, temporary pits and below grade tanks; (ii) eliminate the permitting, design, construction and operational requirements for closed-loop systems while requiring that drying pads be designed and constructed to prevent contamination of water; for sumps used to collect liquids from cuttings; and for berms constructed to prevent run-on; (iii) revise the siting, design, construction, operation, closure and site reclamation provisions for temporary pits, permanent pits, drying pads, below grade tanks and tanks associated with closed-loop systems; (iv) authorize standardized plans for pit construction, closure and other matters; (v) adopt a definition for "low chloride" drilling fluids and the establishment of siting, closure and remediation requirements for temporary pits based on the chloride concentration in the waste and the distance between the waste and ground water of a flowing water course; (vi) authorize and adopt requirements for the permitting, siting, design, construction, operation and closure for "multi-well fluid management pits"; (vii) revise the rules governing the testing and removal of below grade tanks; (viii) revise the rules governing onsite disposal in pits and trenches; (ix) revise the rules governing releases, waste testing and excavation and the concentration of wastes disposed in temporary pits or burial trenches; (x) revise the requirements for remediation and site reclamation including contouring and re-

vegetation; (xi) revise the rules governing variances and exceptions to these rules to provide for their approval by the appropriate division district office pursuant to procedures set out in the proposed amendments; (xii) revise and adopt rules and procedures set out in the proposed amendments; (xiii) revise and adopt rules and procedures governing the Oil Conservation Division's notice, processing and approval of applications filed pursuant to these rules; (xiv) revise the rules governing the transfer of a permit; and (xv) otherwise change the Commission's requirements concerning permitting, design, construction, operation and closure of pits and below grade tanks, operation of sumps and other alternative methods that may be proposed for use in lieu of pits or below grade tanks used in oil and gas operations.

Copies of the text of the proposed amendments are available from the Oil Conservation Division's Administrator, Florene Davidson at (505) 476-3458 or from the Division's website at <http://www.emnrd.state.nm.us/ocd/Rules.htm>. Given under the seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 5th day of July, 2012. STATE OF NEW MEXICO OIL CONSERVATION COMMISSION Jami Bailey Oil Conservation Commission Chair Journal, July 8, 2012

Duran-Saenz, Theresa, EMNRD

From: Duran-Saenz, Theresa, EMNRD
Sent: Wednesday, August 08, 2012 10:23 AM
To: (mpf@stateside.com); (lpena@riceswd.com); (kjones@riceswd.com); (hconder@riceswd.com); Balch (balch@prrc.nmt.edu); (ballen@sesi-nm.com); (charlie.perrin@state.nm.us); (cheryls@yatespetroleum.com); Chuck Creekmore (Chuck.Creekmore@conocophillips.com); (dale@capstoneoil.com); (dboneau@pvtnetworks.net); Brooks, David K., EMNRD (david.brooks@state.nm.us); (dexterh@forl.com); Diane Ellenburg (Diane_Ellenburg@blm.gov); (dneeper@earthlink.net); (dlehman@energen.com); (ekendrick@montand.com); Gabrielle Gerholt (Gabrielle.Gerholt@state.nm.us); VonGonten, Glenn, EMNRD (Glenn.VonGonten@state.nm.us); (gbloom@slo.state.nm.us); (hdangler@slo.state.nm.us); J. Scott Hall (shall@montand.com); Jami Bailey (jamie.bailey@state.nm.us); (jan.wooldridge@dvn.com); (jtportwood@mindspring.com); Jimmy D. Carlile (jimmyc@forl.com); Julia Ruetten (Julia.ruetten@state.nm.us); Karin V. Foster (fosterassociates2005@yahoo.com); Kate McGraw (katiemac@cybermesa.com); Keith_Barton@oxy.com; (kmoss@slo.state.nm.us); Linda Fieseler (Lfieseler@nearburg.com); Lisa Curry Gray (lisa@lcgraylaw.com); Marita Blakeman; (markm@forl.com); Martin Joyce (mjoyce@pvt.net); (nmwgi@nmagriculture.org); (rel@dfn.com); Paul M. O'Sullivan (Paul.OSullivan@rlicorp.com); Rachel Jankowitz (rachel.jankowitz@state.nm.us); Dade, Randy, EMNRD (Randy.Dade@state.nm.us); Ray Powell (rpowell@slo.state.nm.us); (rtupman@hess.com); Richard Corcoran (Richard.Corcoran@conocophillips.com); (richard.ezeanyim@state.nm.us); (Rick_Foppiano@oxy.com); Scott Dawson (sdawson@slo.state.nm.us); shane@spearbrothersgroup.com; Sonny Swazo (Sonny.Swazo@state.nm.us); (stan.phillips@apachecorp.com); Suzi Yahney (syahney@heycoenergy.com); Tony Herrell (Tony_Herrell@blm.gov); Tyra Feil (Tyra.Feil@duganproduction.com); Wendy Northcutt (wnorthcutt@heycoenergy.com); Jones, William V., EMNRD (William.V.Jones@state.nm.us); 'Patricia Clugston' Davidson, Florene, EMNRD
Cc:
Subject: August 28, 2012 OCC Meeting Preliminary Docket No. 26-12
Attachments: Docket No. 26-12 preliminary.pdf; Docket No. 26-12 preliminary.doc

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*Posted on
WEB
Hearing
Page*

Duran-Saenz, Theresa, EMNRD

From: Duran-Saenz, Theresa, EMNRD
Sent: Wednesday, August 08, 2012 10:24 AM
To: (rrmiles@cableone.net); (myoung@mewbourne.com); (jbyrom@djsimmonsinc.com); (dgirand@mackenergycorp.com); (csecows@aol.com); (sallyk@forl.com); (rhodge@northstarop.com); (llrwb@austin.rr.com); (jdewbre@swn.com); (ddrdmidland@aol.com); (BRANA1223@aol.com); Adan Trujillo (adantrujillo@gmail.com); New Mexico Tech. (balch@prrc.nmt.edu); (ballen@sesi-nm.com); (charlie.perrin@state.nm.us); (chris.wyatt@bp.com); (dan_mccright@eogresources.com); (dboneau@pvtnetworks.net); (dexterh@forl.com); (dneeper@earthlink.net); (dlehman@energen.com); (ekendrick@montand.com); Gonzales, Elidio L, EMNRD (ElidioL.Gonzales@state.nm.us); Elizabeth Taylor (etaylor@wtmlawfirm.com); Gabrielle Gerholt (Gabrielle.Gerholt@state.nm.us); George Holliday (ghh@att.net); (gbloom@slo.state.nm.us); (hdangler@slo.state.nm.us); J. Scott Hall (shall@montand.com); (jami.bailey@state.nm.us); (jan.wooldridge@dv.com); (jtportwood@mindspring.com); JD Steven M. Feisal (sfeisal@chkenegy.com); Jolene McCaleb (jmccaleb@wtmlawfirm.com); (Julia.ruetten@state.nm.us); Karen_Sinard@oxy.com; Karin V. Foster (fosterassociates2005@yahoo.com); Kate McGraw (katiemac@cybermesa.com); (kristen.howell@williams.com); (gandy2@leaco.net); (markm@forl.com); Mark Bell (Mark.Bell@apachecorp.com); (mjc@gallegoslawfirm.net); Ray Powell (rpowell@slo.state.nm.us); (rtupman@hess.com); (richard.ezeanyim@state.nm.us); (Rick_Foppiano@oxy.com); Scott Dawson (sdawson@slo.state.nm.us); (shane@spearbrothersgroup.com); Bonham, Sherry, EMNRD (Sherry.Bonham@state.nm.us); Sonny Swazo (Sonny.Swazo@state.nm.us); (stan.phillips@apachecorp.com); (tony_herrell@blm.gov); (tyrafeil@duganproduction.com); (Wade.Jackson@state.nm.us); (wcarr@hollandhart.com)
Cc: Davidson, Florene, EMNRD
Subject: August 28, 2012 OCC Meeting Preliminary Docket No. 26-12
Attachments: Docket No. 26-12 preliminary.doc; Docket No. 26-12 preliminary.pdf

Your message is ready to be sent with the following file or link attachments:

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*Posted on
WEB
Rule PAGE*

Gerholt, Gabrielle, EMNRD

From: Gerholt, Gabrielle, EMNRD
Sent: Wednesday, August 08, 2012 8:33 AM
To: Jackson, Wade, EDD
Subject: RE: Notice of continuation of Pit Rule

Dear Mr. Jackson,
I was incorrect about the dates. The hearing is actually scheduled for August 28 – 31.
Sincerely,
Gabrielle A. Gerholt
Assistant General Counsel
Oil Conservation Division
505.476.3451

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

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From: Jackson, Wade, EDD
Sent: Wednesday, August 08, 2012 7:35 AM
To: Gerholt, Gabrielle, EMNRD
Subject: Re: Notice of continuation of Pit Rule

Thank you.

Wade L. Jackson
General Counsel
New Mexico Economic Development Department
1100 St. Francis Drive
Suite 1060
Santa Fe NM 87505
Tel: 505-827-0241
Tel: 800-374-3061
Fax: 505-827-0328
wade.jackson@state.nm.us

From: Gerholt, Gabrielle, EMNRD
Sent: Tuesday, August 07, 2012 05:01 PM
To: Jackson, Wade, EDD
Subject: Notice of continuation of Pit Rule

Dear Mr. Jackson,
Pursuant to NMSA 14-4A-4, the Oil Conservation Division is providing your agency with notice of continued rulemaking regarding pits beginning August 24, 2012. If you have any questions, please feel free to contact me.
Sincerely,
Gabrielle A. Gerholt
Assistant General Counsel
Oil Conservation Division
505.476.3451

Gabrielle A. Gerholt
Assistant General Counsel
Oil Conservation Division
505.476.3451

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

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NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION

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RULES

Current Rules:

OCD Rules, found in Parts 1 thru 39 of Title 19, Chapter 15 of the New Mexico Administrative Code, are periodically compiled and posted into this searchable PDF document for your convenience.

OCD Rules Index: The Oil Conservation Division (OCD) provides this index as a courtesy.

For the most up-to-date version of OCD's rules or to investigate the rules of other New Mexico state agencies please visit our state's Commission for Public Records' official website via the links below:

[New Mexico Administrative Code \(*indexed*\)](#)
[New Mexico Administrative Code \(*searchable*\)](#)

OCD Rule Cross Walks:

[Old Rules to Current Rules](#)
[Current Rules to Old Rules](#)

[Rules](#)

New Mexico Statutes:

[Oil and Gas Act, NMSA 1978](#)

Proposed Rule Changes:

PITS, CLOSED-LOOP SYSTEMS, BELOW-GRADE TANKS & SUMPS

Title 19, Chapter 15, Parts 17

Application - New Mexico Oil & Gas Association (posted 10-3-11)

Title 19, Chapter 15, Part 17; Title 19, Chapter 15, Part 39.8.B

Application - Independent Petroleum Association (posted 11-30-11)

TRANSCRIPT

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[Volume II](#)

[Volume III](#)

[Volume IV](#)

[Volume V](#)

[Volume VI](#)

Oil Conservation Division
1220 South St. Francis
Drive
Santa Fe, NM 87505
P: (505) 476-3440
F: (505) 476-3471

Volume VII
Volume VIII
Volume IX

NOTICE



Preliminary Docket (posted 8-8-12)
Notice (posted 7-16-12)
Final Docket (posted 6-25-12)
Final Docket (posted 6-18-12)
Preliminary Docket (posted 5-30-12)
Notice of Continuance (posted 5-29-12)
Final Docket (posted 5-7-12)
Preliminary Docket (posted 4-20-12)
Notice of Hearing (posted 4-2-12)
Pre-hearing Conference Denial (posted 1-19-12)
Request for Pre-hearing Conference (posted 1-19-12)
Order of Continuance (posted 1-19-12)
Protest of Continuance (posted 1-17-12)
Joint Motion for Continuance (posted 1-13-12)
Final Docket (posted 1-20-12)
Preliminary Docket (posted 12-30-11)
Notice of Hearing (posted 12-16-11)