

NMOGA/IPANM Consensus Proposed Definitions
12 November 2003

Division guidelines referred to in this Section are, by design, tools for use by industry and OCD to expedite the proper design, installation, and closure of pits. These guidelines are not formal rulemaking and as such to not supplant the requirements of the rule.

* Pit means any surface or sub-surface impoundment, man-made or natural depression, or diked area on the surface. Excepted from this definition are berms constructed around tanks or other facilities solely for the purpose of safety and secondary containment. This definition does not include sumps

* Berm means an embankment or ridge constructed for the purpose of preventing the movement of liquids, sludges, solids, or other materials.

* Playa Lake means a level or nearly level area that occupies the lowest part of a completely closed basin and that is covered with water at irregular intervals, forming a temporary lake.

* Below-grade Tank means a vessel, excluding sumps *and pressurized pipeline drip tanks*, used to store, treat or evaporate products or wastes under the jurisdiction of the Division where any portion of the sidewalls of the tank is below the surface of the ground and not visible.

* Sump means any below-grade impermeable single wall reservoir ~~with a capacity less than 110 gallons~~ where any portion of the sidewalls of the tank is below the surface of the ground and not visible, that remains predominantly empty, and serves as a drain or receptacle for spilled or leaked liquids on an intermittent basis and is not used to store, treat, dispose or evaporate products or wastes. The annular space between a double walled tank or between secondary containment and a pit are not a sump..

NMOGA/IPANM believes that the sump definition is best described without volumes and should reflect that it is below-grade. The volume issue is dealt with in the rule itself by requiring inspections on sumps only greater than 110 gallons. Above ground drip or leak catch units are not sumps and should not be regulated as such as long as the sidewalls are visible. NMOGA/IPANM also believes that it is important to clarify that the annular space between double walled tanks or secondary containment and a pit does not meet the definition of a sump.

* Wellhead Protection Area means any radius of 1000 horizontal feet from any springs or fresh water well. Wellhead protection areas shall not include areas around water wells drilled within 1000 feet of an existing oil, ~~or~~ natural gas, waste storage, treatment or disposal site after such site was established ~~or~~ wells drilled specifically to supply water for oil and gas related operations.

NMOGA strongly believes that the wellhead protection area definition should not apply to water wells drilled by an operator to support oil and gas related operations.

* Alluvium means detrital materials which have been transported by water or other erosional forces and deposited at points along the flood plain of a watercourse. It is typically

composed of sands, silts and gravels, exhibits high porosity and permeability and generally carries fresh water.

* Ground Water Sensitive Area means an area where ground water exists that would likely exceed standards if contaminants were introduced into the environment, which is specifically so designated by the division after evaluation of technical evidence.

* ~~Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions in New Mexico. Constructed wetlands used for wastewater treatment purposes are not included in this definition~~

NMOGA believes that there is sufficient case history to define what is a wetland without the NMOCD defining a new definition that is inconsistent what already exists in case law.