

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION**

APPLICATION OF THE NEW MEXICO OIL AND GAS ASSOCIATION FOR THE AMENDMENT OF CERTAIN PROVISIONS OF TITLE 19, CHAPTER 15 NEW MEXICO ADMINISTRATIVE CODE, CONCERNING PITS, CLOSED-LOOP SYSTEMS, BELOW GRADE TANKS AND SUMPS AND OTHER ALTERNATIVE METHODS RELATED TO THE FOREGOING MATTERS, STATEWIDE.

CASE NO. 14784

and

APPLICATION OF THE INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO FOR THE AMENDMENT OF CERTAIN PROVISIONS OF TITLE 19, CHAPTER 15 NEW MEXICO ADMINISTRATIVE CODE, CONCERNING PITS, CLOSED-LOOP SYSTEMS, BELOW GRADE TANKS AND SUMPS AND OTHER SPECIAL RULES, RELATED TO THE FOREGOING MATTERS, STATEWIDE.

**CASE NO. 14785
Order No. R-13506-C**

ORDER OF THE COMMISSION

This matter comes before the New Mexico Oil Conservation Commission ("Commission") on the motion of the Independent Petroleum Association of New Mexico ("IPANM") requesting a dismissal of its petition in Case No. 14785 to the extent that it seeks an amendment to NMAC 19.15.39(8)(B).

For the following reasons the motion is well taken and is granted to the extent set forth in this Order:

1. On September 30, 2011, the New Mexico Oil and Gas Association ("NMOGA") filed an application with the Commission for a rulemaking to amend 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.

2. On November 29, 2011, IPANM filed an application with the Commission for a rulemaking to amend certain provisions of Title 19, Chapter 15, Part 17 of the New Mexico Administrative Code ("Rule 17") concerning pits, closed loop systems, below grade tanks, sumps, and amending other special rules relating to the foregoing matters, Statewide.

3. The IPANM application was substantially similar to the NMOGA application, except that the IPANM application included a provision to amend Title 19, Chapter 15, Part 39(8)(B) of the New Mexico Administrative Code ("Rule 39").

4. The matters were set for hearing on January 23rd as separate cases. The NMOGA petition was assigned Case No. 14874. The IPANM petition was assigned Case No. 14875.

5. On January 19, 2012, by Order No. R-13506, this Commission severed the portion of Case No. 14785 that sought amendment of Rule 39 from the portion of Case No. 14785 that sought amendment of Rule 17. The Rule 17 portion of Case No. 14785 was continued to April 16-20, 2012. The hearing on the Rule 39 portion of Case No. 14785 was not set and was to be scheduled and noticed after the completion of the hearing and deliberations on the proposed Rule 17 amendments.

6. On June 20, 2012, by Order No. R-13506-B, at IPANM's request, Case Nos. 14784 and 14785 were consolidated, except for the Rule 39 portions of Case No. 14785 that were severed by Order No. R-13506.

7. On August 28, 2012, IPANM made an oral motion to dismiss the portions of Case No. 14785 that seek amendment of Rule 39 (Tr. Case No. 14784 and 14785, Vol 10, August 28, 2012, pp. 2272-73). There was no objection to IPANM's motion.

NOW THEREFORE, it is DECREED that the portion of the IPANM petition in Case No. 14785 that seeks amendment of Title 19, Chapter 15, Part 39 is hereby dismissed without prejudice and Case Nos. 14784 and 14785, as they relate to amendment of Rule 17, will proceed as directed by the Commission.

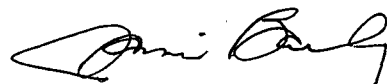
DONE at Santa Fe, New Mexico, on this ²⁰6th day of December, 2012.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

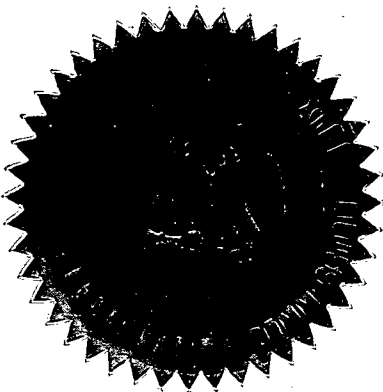
ROBERT BALCH, Member



GREG BLOOM, Member



JAMI BAILEY, Chair



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