

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

IN THE MATTER OF THE APPLICATION OF THE NEW
MEXICO OIL CONSERVATION DIVISION FOR REPEAL
OF EXISTING RULE 50 CONCERNING PITS AND BELOW
GRADE TANKS AND ADOPTION OF A NEW RULE
GOVERNING PITS, BELOW GRADE TANKS, CLOSED
LOOP SYSTEMS AND OTHER ALTERNATIVE METHODS
TO THE FOREGOING, AND AMENDING OTHER RULES
TO MAKE CONFORMING CHANGES; STATEWIDE.

CASE NO. 14015
Order No. R-12819-B

ORDER OF THE COMMISSION

(1) By Order No. R-12819-A entered on October 25, 2007, the Oil Conservation Commission directed the parties to brief the following issues by November 7, 2007, at 5:00 P.M.:

(a) whether the proposed Subparagraph (c) of Paragraph (1) of Subsection F of 19.15.17.13 NMAC, which provides that surface owner consent is one of the requirements for on-site closure, violates the sub-surface owners right to reasonable use of the surface and whether the Oil Conservation Commission has the authority to require surface owner consent; and

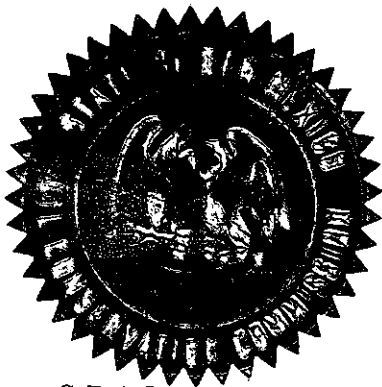
(b) whether the proposed requirement in Subparagraph (a) of Paragraph (1) of Subsection F of 19.15.17.13 NMAC that limits use of on-site closure to those situations where the proposed pit's location is outside of a 100-mile radius of a division-approved facility or an out-of-state waste management facility violates the Commerce Clause of the United States Constitution.

(2) On October 30, 2007, the Oil Conservation Division filed a motion to extend the time for briefing because of the large volume of exhibits and pre-hearing statements that have been filed which require study prior to the commencement of the hearing on November 5, 2007.

IT IS THEREFORE ORDERED THAT:

(1) The deadline for filing the above-described briefs is hereby extended to November 13, 2007 at 5:00 P.M.

DONE at Santa Fe, New Mexico, on this 1st day of November, 2007.



SEAL

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

A handwritten signature in black ink, appearing to read "Mark E. Fesmire".

MARK E. FESMIRE, P.E., Chair