

FINAL DOCKET: SPECIAL COMMISSION MEETING –THURSDAY – APRIL 2, 2009

**9:00 A.M. – Porter Hall
1220 South St. Francis
Santa Fe, New Mexico**

Land Commissioner, Patrick H. Lyons, may designate Jami Bailey as his representative for this meeting, or may participate himself.

Notice: The minutes of the March 12, 2009 Commission Meeting will be adopted.

Notice: During this meeting, the Commission may conduct a closed executive session during which it will deliberate in connection with an administrative adjudicatory proceeding pending before the Commission or consult with Commission counsel under the attorney-client privilege concerning threatened or pending litigation in which the Commission is or may become a participant.

CASE 14292: Application of the New Mexico Oil Conservation Division for Adoption of Amendments to Rule 19.15.17 (the "Pit Rule"); Statewide. The State of New Mexico, through its Oil Conservation Commission, hereby gives notice that the Commission will conduct a public hearing at 9:00 A.M. on Thursday, April 2, 2009, in Porter Hall at 1220 South St. Francis Drive, Santa Fe, New Mexico, concerning the Oil Conservation Division's proposal to adopt amendments to 19.15.17 NMAC (the "Pit Rule"). The proposed amendments will (a) allow an operator of a below-grade tank existing on June 16, 2008, that has side walls entirely open for visual inspection, but which does not conform to the design and construction requirements of the Pit Rule as adopted on that date, to continue operating that tank until a sale or transfer of the tank or facility, so long as the tank maintains demonstrated integrity; (b) require that any below-grade tank that does not conform to the design and construction requirements adopted on June 16, 2008, (non-conforming tank) be either closed or retrofitted to conform to those standards prior to sale or transfer of the tank or facility; (c) extend the retention requirement for below-grade tank inspection records from five years to the life of the tank; (d) require an operator of a non-conforming tank, if the tank's integrity fails, to comply with applicable tank closure requirements prior to replacing the tank; (e) require an operator who retrofits or replaces a non-conforming below-grade tank to inspect the area underneath the tank, report any evidence of contamination to the Division, and, if the Division determines that the contamination poses an imminent danger to the environment, to comply with applicable tank-closure requirements prior to retrofitting or replacing the tank; (f) extend the time for an operator to request a permit or permit modification for an existing, lined permanent pit, or for an existing below-grade tank, to two years from June 16, 2008, provided that the operator complies with registration requirements set forth in these amendments; and (g) increase the chloride waste standard for closure of temporary pits or drying pads by on-site trench burial from 250 mg/l to the greater of 3000 mg/l or background. Copies of the text of the proposed amendments are available from Commission Clerk Florene Davidson at (505)-476-3458 or from the Division's web site at <http://www.emnrd.state.us/ocd/rules/>. Proposals for alternatives to the proposed amendments must be received by the division no later than 5:00 P.M. on Thursday, March 19, 2009. Written comments on the proposed new rule must be received no later than 5:00 P.M. on Thursday, March 26, 2009. Persons intending to offer technical testimony at the hearing must file a Pre-hearing Statement (six copies) conforming to the requirements of 19.15.3.11 NMAC, including six copies of all exhibits the person will offer in evidence at the hearing, no later than Thursday, March 26, 2009. Proposed alternatives and written comments may be hand-delivered or mailed to Ms. Davidson at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, or may be faxed to Ms. Davidson at (505)-476-3462. Pre-hearing statements must be hand-delivered or mailed to Ms. Davidson at the above address. 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. Davidson at (505)-476-3458 or through the New Mexico Relay Network (1-800-659-1779) as soon as possible.