

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

RECEIVED OCD

2015 FEB 10 A 9:40

APPLICATION OF THE NEW MEXICO OIL AND GAS ASSOCIATION TO REPEAL AND REPLACE TITLE 19, CHAPTER 15, PART 34 OF THE NEW MEXICO ADMINISTRATIVE CODE ADDRESSING PRODUCED WATER, DRILLING FLUIDS AND OTHER LIQUID OIL FIELD WASTE; AND TO AMEND THE DEFINITION OF PRODUCED WATER IN TITLE 19, CHAPTER 15, PART 2, OF THE NEW MEXICO ADMINISTRATIVE CODE.

Feb. 10, 2015
FD

CASE NO. 15239

AFFIDAVIT OF NOTICE

My name is Florene Davidson, and I am a Staff Manager/Commission Clerk with the Energy, Minerals and Natural Resources Department. I hereby certify that notices of Case 15239 were given as follows:

1. On October 7, 2014, the New Mexico Oil and Gas Association (NMOGA) filed an Application for Rulemaking to repeal and replace Title 19, Chapter 15, Part 34 of the New Mexico Administrative Code. The date of hearing by the Oil Conservation Commission (OCC) was set for February 13, 2015.

2. **19.15.3.9(A)(1) NMAC** requires that the notice be published one time in a newspaper of general circulation in the state, no less than 20 days prior to the scheduled hearing date. The proposed rulemaking in Case 15239 affect the state of New Mexico.

The Albuquerque Journal is a newspaper of general circulation in New Mexico. *Exhibit 1* is a copy of the publication from the Albuquerque Journal, showing publication of the Notice on January 16, 2015.

3. **19.15.3.9.A(2) NMAC** requires that the notice be published on the applicable OCC docket and that the clerk send the docket by regular or electronic mail not less than 20 days prior to the hearing to all who have requested such notice. The docket containing the notice was sent January 15, 2015 by electronic mail to those individuals who requested such notice, and to those individuals who requested notice of rulemaking. See *Exhibit 2*, attached.

4. **19.15.3.9.A(3) NMAC** requires that the notice be published one time in the New Mexico Register, with the publication date not less than 10 business days prior to the scheduled hearing date. The Notice was published in the New Mexico Register on February 2, 2015. See *Exhibit 3*, attached.

5. 19.15.3.9.A(4) NMAC requires that the notice be published by posting on the OCD's website not less than 20 days prior to the scheduled hearing date. The Notice was scanned and posted on January 15, 2015.

This concludes my affidavit.

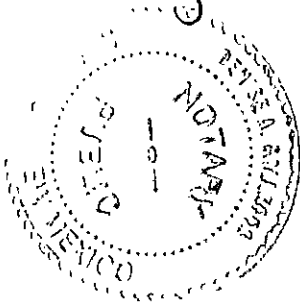
Florene Davidson
Florene Davidson

SUBSCRIBED AND SWORN to before me this 10 day of February 2015.

[Signature]
Notary Public

My Commission Expires:

May 29, 2016



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 of 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 16 day of January, 2015, and the subsequent consecutive publications on _____, 20____.

Linda C MacEachen

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 16 day of January of 2015.

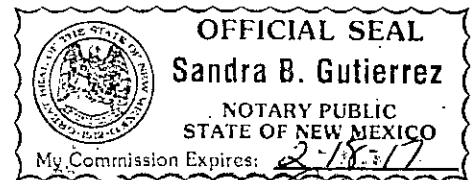
PRICE

125.38

Statement to come at end of month.

ACCOUNT NUMBER

1009556



Sandra B Gutierrez

CL

New Mexico Energy, Mineral and Natural Resources Department

STATE OF NEW MEXICO
ENERGY, MINERALS AND
NATURAL RESOURCES
DEPARTMENT

OIL CONSERVATION DIVISION
SANTA FE, NEW MEXICO

The State of New Mexico, through its Oil Conservation Commission hereby gives notice pursuant to law and Commission rules of the following meeting and public hearing to be held at 9:00 A.M. on February 13, 2015, in Porter Hall at 1220 South St. Francis Drive, Santa Fe, New Mexico, before the Oil Conservation Commission. 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 Commission Clerk Florene Davidson at (505) 476-3458 or through the New Mexico Relay Network at (1-800-659-1779) by February 3, 2015. Public documents can be provided in various accessible forms. Please contact Ms. Davidson if a summary or other type of accessible 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 72 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 website at www.emnrd.state.nm.us. A party who plans on using projection equipment at a hearing must contact Florene Davidson seven (7) business days prior to the hearing requesting the use of the projection equipment. Wireless internet is available; however, the party must provide its own laptop computer. CASE 15239: Application Of The New Mexico Oil And Gas Association To Repeal And Replace Title 19, Chapter 15, Part 34 Of The New Mexico Administrative Code Addressing Produced Water, Drilling Fluids And Other Liquid Oil Field Waste And To Amend The Definition Of Produced Water In Title 19, Chapter 15, Part 2 Of The New Mexico Administrative Code. Applicant seeks an order repealing Title 19, Chapter 15, Part 34 of the New Mexico Administrative Code ("NMAC") and replacing it with a new proposed rule. Applicant also seeks to amend the definition of "produced water" in Title 19, Chapter 15, Part 2, NMAC. The proposed rule and amendment are intended to: (1) Encourage and promote the recycling or re-use of produced water in the production of oil and gas in a manner that provides reasonable protection to fresh waters, the public health, and the environment; (2) Clarify and codify when the disposition by use of produced water requires prior approval by the New Mexico Oil Conservation Division and when registration is sufficient; (3) Require produced water recycling facilities subject to the proposed rule to either be permitted or registered with the Division; (4) Permit by rule produced water recycling containmentments for a limited period of time to store, treat and recycle produced water for use in the drilling, completion, production or plugging of oil and gas wells; (5) Prevent any use of recycling containmentments for the disposal of produced water or other oilfield wastes; (6) Adopt the proposed produced water recycling

EXHIBIT

tabbies

wastes; (6) Adopt for the proposed produced water recycling containment's applicable siting, design, construction, operation, closure and site reclamation provisions; (7) Establish when and what type of financial assurance is required for operators of produced water recycling containment's and when that financial assurance can be released; (8) Adopt provisions for seeking a variance from the requirements of the proposed rule; (9) Retain the current provisions of 19.15.34.8 through 19.15.34.12 addressing land regulating the transportation of produced water, drilling fluids and other liquid, oilfield wastes; (10) Adopt provisions for the immediate enforcement of the proposed rule by the New Mexico Oil Conservation Division; and (11) Modify the definition of "produced water" in Title 19, Chapter 15, Part 2, NMAC, to match the definition of "produced water" in Section 70-2-33(K) of the Oil and Gas Act. The proposed rule and amendment are available from Division Administrator Florene Davidson at (505) 476-3458 or can be viewed on the Division's web site at <http://www.emnrd.state.nm.us/ocd/whatsnew.htm>. Modifications to the proposed rule or amendment must be received by the Division no later than 5:00 P.M. on January 30, 2015. Persons intending to provide written comments on the proposed rule change must submit their written comments no later than 5:00 p.m. on February 6, 2015 to the Division's Administrator. Persons intending to offer technical testimony at the hearing must file six copies of a Pre-hearing Statement conforming to the requirements of 19.15.3.11 NMAC and six copies of all exhibits the person will offer in evidence at the hearing no later than February 6, 2015. Proposed modifications and written comments may be hand-delivered or mailed to Ms. Davidson at 1220 South Saint 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 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 the New Mexico Relay Network at 1-800-658-1779. Given under the Seal of the State of New Mexico, Oil Conservation Commission at Santa Fe, New Mexico on this 13th day of January, 2015.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION
David Catanach, Director
Oil Conservation Division
Journal: January 16, 2015

Davidson, Florene, EMNRD

From: Davidson, Florene, EMNRD
Sent: Thursday, January 15, 2015 8:53 AM
To: (mpf@stateside.com); (lpena@riceswd.com); (kjones@riceswd.com); (hconder@riceswd.com); (AllisonR.Marks@state.nm.us); Bailey Griffith (Bailey.Griffith@state.nm.us); Balch (balch@prrc.nmt.edu); (ballén@sesi-nm.com); (charlie.perrin@state.nm.us); (cheryls@yatespetroleum.com); Chuck Creekmore (Chuck.Creekmore@conocophillips.com); Cissy Vasquez (cvasquez@yatespetroleum.com); (craig.shapard@state.nm.us); (dale@capstoneoil.com); (dboneau@pvtnetworks.net); Catanach, David, EMNRD (David.Catanach@state.nm.us); (dexterh@forl.com); (dlehman@energen.com); Earl De Brine (edebrine@modrall.com); (ekendrick@montand.com); Ellen Veseth (Ellen.Veseth@state.nm.us); Wade, Gabriel, EMNRD (Gabriel.Wade@state.nm.us); VonGonten, Glenn, EMNRD (Glenn.VonGonten@state.nm.us); J. Scott Hall (shall@montand.com); (jan.wooldridge@divn.com); (jtportwood@mindspring.com); Jimmy D. Carlile (jimmyc@forl.com); Jonas Armstrong (jonas.armstrong@nmlégis.gov); Joseph Galluzzi (jgalluzz@blm.gov); Karin V. Foster (fosterassociates2005@yahoo.com); Kate McGraw (katiemac@cybermesa.com); Keith Barton@oxy.com; Herrmann, Keith, EMNRD (Keith.Herrmann@state.nm.us); Kelly Smith (ksmith@slo.state.nm.us); (kmoss@slo.state.nm.us); Linda Fieseler (Lfieseler@nearburg.com); Marita Blakeman; Martin Joyce (mjoyce@pvt.net); McMillan, Michael, EMNRD (Michael.McMillan@state.nm.us); (nmwgi@nmagriculture.org); (rel@dfn.com); (paul.kautz@state.nm.us); Paul M. O'Sullivan (Paul.O'Sullivan@rlcorp.com); Phillip Goetze (Phillip.Goetze@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); Seth McMillan (sMcMillan@montand.com); (dvstrang@slo.state.nm.us); (stan.phillips@apachecorp.com); Suzi Yahney (syahney@heycoenergy.com); Terry Warnell (twarnell@slo.state.nm.us); Tony Herrell (Tony.Herrell@blm.gov); Tyra Feil (Tyra.Feil@duganproduction.com); Veronica Maldonado (vmaldonado@blm.gov); Patricia Clugston
Subject: February 13, 2015 OCC Meeting Notice
Attachments: 2-13 OCC HEARING.pdf; 2-13 OCC HEARING.doc

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

2-13 OCC HEARING.pdf
2-13 OCC HEARING.doc

*mailed and
posted
1/15/15*

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.





**New Mexico Commission of Public Records
Administrative Law Division**

1205 Camino Carlos Rey
Santa Fe, NM 87507
505-476-7907

Affidavit of Publication in the *New Mexico Register*

I, Matthew Ortiz, certify that the agency noted below has published legal notices or rules in the New Mexico Register, and that payment has been assessed by invoice for said legal notice or publication, which appeared on the date and in the volume and issue number noted below.

Date of Publication: 1/30/2015

Volume: XXVI **Issue #:** 2

Invoice #: NMR-2015- 137

Amount: \$62.50

Agency:

EMNRD - Oil Conservation Commission

Contact: Florene Davidson

1220 S St Francis Dr

Santa Fe, NM 87505-

Description:

Notice

Notice of Meeting and Public Hearing

RECEIVED OCD
2015 FEB - 6 P 4: 24

State of New Mexico, County of Santa Fe

Signed and affirmed before me on Monday, February 02, 2015

by Matthew Ortiz

Notary Public:

Louise Wood

My commission expires: 5 15 17

Affiant:

Publisher, *New Mexico Register*

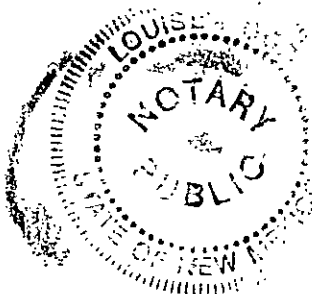
Date: 2/2/2015

~Copies of the published material documented in this affidavit are enclosed~

EXHIBIT

3

Form SRC-2002-04 Revised July 2007



(seal)

Notices of Rulemaking and Proposed Rules

NEW MEXICO OIL CONSERVATION COMMISSION

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

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CASE 15239: Application Of The New Mexico Oil And Gas Association To Repeal And Replace Title 19, Chapter 15, Part 34 Of The New Mexico Administrative Code Addressing Produced Water, Drilling Fluids And Other Liquid Oil Field Waste; And To Amend The Definition Of Produced Water In Title 19, Chapter 15, Part 2, Of The New Mexico Administrative Code. Applicant seeks an order repealing Title 19, Chapter 15, Part 34 of the New Mexico Administrative Code ("NMAC") and replacing it with a new proposed rule. Applicant also seeks to amend the definition

of "produced water" in Title 19, Chapter 15, Part 2, NMAC. The proposed rule and amendment are intended to:

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- (3) Require produced water recycling facilities subject to the proposed rule to either be permitted or registered with the Division;
- (4) Permit by rule produced water recycling containments for a limited period of time to store, treat and recycle produced water for use in the drilling, completion, production or plugging of oil and gas wells;
- (5) Prevent any use of recycling containments for the disposal of produced water or other oilfield wastes;
- (6) Adopt for the proposed produced water recycling containments applicable siting, design, construction, operation, closure and site reclamation provisions;
- (7) Establish when and what type of financial assurance is required for operators of produced water recycling containments and when that financial assurance can be released;
- (8) Adopt provisions for seeking a variance from the requirements of the proposed rule;
- (9) Retain the current provisions of 19.15.34.8 through 19.15.34.12 addressing and regulating the transportation of produced water, drilling fluids and other liquid oilfield wastes;
- (10) Adopt provisions for the immediate enforcement of the proposed rule by the New Mexico Oil Conservation Division; and
- (11) Modify the definition of "produced water" in Title 19, Chapter 15, Part 2, NMAC, to match the definition of "produced water" in Section 70-2-33(K) of the Oil and Gas Act.

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Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 13th day of January, 2015.

STATE OF NEW MEXICO
OIL CONSERVATION
DIVISION

David Catanach
Director, Oil Conservation
Division

S E A L

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

NEW MEXICO PUBLIC EDUCATION DEPARTMENT NOTICE OF PROPOSED RULEMAKING

The Public Education Department ("Department") hereby gives notice that the Department will conduct public hearings to consider adoption of proposed new rule 6.35.2 NMAC (IMPLEMENTING THE INDIAN EDUCATION ACT).

The public hearings are scheduled as follows: