

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

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MAR 13 2003

Oil Conservation Division

Case No. _____

**APPLICATION OF THE NEW MEXICO
OIL CONSERVATION DIVISION,
THROUGH THE ENVIRONMENTAL
BUREAU CHIEF, FOR ADOPTION OF
AMENDMENT TO RULE 711**

**THE NEW MEXICO ENVIRONMENT DEPARTMENT'S COMMENTS TO
PROPOSED AMENDMENTS TO RULE 711**

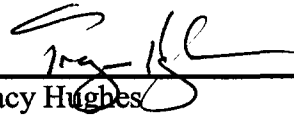
1. The New Mexico Environment Department ("NMED") and the Oil Conservation Division ("OCD") are "constituent agencies" under the Water Quality Act, with both agencies administering and enforcing specific aspects of the Water Quality Act ("WQA") and Water Quality Control Commission Regulations. NMSA 1978, §74-6-4(E).
2. OCD has jurisdiction under the WQA pertaining to surface and ground water discharges at oil and natural gas production sites, oil refineries, natural gas processing plants, geothermal installations, carbon dioxide facilities, natural gas transmission lines and discharges associated with activities of the oil field service industry.
3. In the proposed amendment to 19.15.9.711 NMAC, at page 6 line 7 of subsection (c), it states "if the waste is similar in nature to the oilfield wastes". NMED requests that the phrase "similar in nature" be clarified or further defined.

4. In the proposed amendment, at page 6, line 8, it states "(1) exempt; or".

Upon information and belief, "exempt" is intended to mean exempt from the RCRA Subtitle C hazardous waste regulations. NMED requests a clarification be added the amendment by adding "RCRA Subtitle C hazardous waste" before the word "exempt."

Respectfully submitted,


NEW MEXICO ENVIRONMENT
DEPARTMENT



Tracy Hughes
General Counsel
P.O. Box 26110
Santa Fe, New Mexico 87502-6110
(505) 827-2855
Attorney for NMED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing New Mexico Environment Department's Comments to Proposed Amendments to OCC Rule 711 was hand-delivered this 12th day of March, 2003.



Tracy Hughes