

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

PROPOSED AMENDMENTS TO
19.15.39 NMAC CONCERNING THE
GALISTEO BASIN AND ALL OF
SANTA FE COUNTY

Case No. 14255

AMENDED NOTICE OF RECOMMENDED CHANGES

The New Mexico Environmental Law Center submits this notice of recommended changes to proposed amendment of Section 19.15.39 of the New Mexico Administrative Code setting out special provisions for Santa Fe County and the Galisteo Basin, which extends into portions of San Miguel and Sandoval Counties.

Recommended Changes

1. 19.15.39.9 (H) (1):

Replace with: “publish *the approved legal notice* once in a newspaper of general circulation in each county in which the area to be covered by the exploration and development plan. This notice shall appear in either the classified or legal advertisements section of the newspaper and at one other place in the newspaper calculated to give the general public the most effective notice and shall be printed in both English and Spanish;”

This change, which is based on the New Mexico Solid Waste Act regulations, is necessary to provide effective public notice of drilling permit applications.

2. 19.15.39.9 (I) (1): “The division shall set all applications ..., with public hearing to be set no sooner than 60 days after the public notice was published in the paper.”

(I) (2): “The division shall hold a public hearing on an application to amend ~~or, renew~~ replace an existing exploration and development plan, and the division may hold public hearing on an application to renew an existing exploration and development plan.”

(I) (4) (b):

Replace with: “publish notice in accordance with Section 19.15.39.9(H) (1).”

These changes are necessary to clarify “service of public notice,” to assure that the division holds public hearings on proposed plan amendments, and to assure consistency in the

notice requirements.

3. **19.15.39.9 (J) (7):** “The exploration and development plan shall remain in effect until it expires or until it is revoked, amended, replaced ..., whichever occurs first.”

This change is necessary to clarify that “expiration” will also cause a plan to no longer be in effect.

4. **New Section—19.15.39.9(K):**

“The operator shall comply with all county and municipal ordinances that are duly enacted to protect the environment and the public’s health, safety, and general welfare or to prevent nuisance. This rule shall not be construed to preempt such ordinances. In the event of a conflict between a provision of such ordinance and a provision of this rule **or an approved exploration and development plan**, the stricter provision shall apply, unless the division **reasonably determines that the provision of the ordinance at issue** would cause waste or materially harm correlative rights.”

This new section is needed to clarify that an operator must comply with local law and that the new rule should not be construed so as to preempt the Santa Fe County Oil and Gas Ordinance or any other local law enacted to protect public health, safety and welfare.

Respectfully submitted,

New Mexico Environmental Law Center

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