

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

**IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION COMMISSION FOR
THE PURPOSE OF CONSIDERING:**

**PROPOSED RULEMAKING
CASE NO. 12969**

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION
THROUGH THE ENVIRONMENTAL BUREAU CHIEF FOR ADOPTION OF
A NEW RULE REGULATING PITS AND BELOW-GRADE TANKS;
AMENDMENT OF 19.15.1.7 NMAC and 19.15.5.313 NMAC; RESCISSION OF
19.15.1.18 NMAC, 19.15.3.105 NMAC AND 19.15.2.1 THROUGH 19.15.2.15
NMAC; AND RESCISSION OF ORDERS R-3221, R-3221-A, R-3221-B, R-
3221-B-1, R-3221-C, R-3221-D, R-7940, R-7940-A, R-7940-B, R-7940-B(1) AND
R-7940-C.**

ORDER NO. R-12011

PRE-HEARING ORDER

BY THE CHAIR OF THE OIL CONSERVATION COMMISSION:

THIS MATTER having come before the Chair of the New Mexico Oil Conservation Commission (hereinafter referred to as "the Commission") in connection with the management of the hearing of this matter, and it having become apparent that a **Pre-hearing** Order is necessary in this matter to ensure that the limited hearing time is used effectively and efficiently by the parties hereto, the Chair, being fully advised in the premises, now on this 20th day of August, 2003,

FINDS that the Commission has jurisdiction of the parties and the subject matter herein and that entry of a Pre-hearing Order in this matter is in the best interests of administrative economy and will assist in rendering a complete, coherent and fair hearing of this matter.

IT IS THEREFORE ORDERED, AS FOLLOWS:

1. Dates of Hearing. The hearing will commence at 9:00 a.m. on Thursday, September 11, 2003 and continue, as necessary, through Friday, September 12, 2003.

2. Place of Hearing. Porter Hall, 1220 S. St. Francis Drive, Santa Fe, New Mexico.

3. Division Proposal. The focus of the hearing will be the proposed rules filed by the Division staff in this Case No. 12969 on August 18, 2003. These proposed rules will be posted on the Division's website. Copies may also be obtained from the Division Administrator, Florene Davidson, at:

1220 South St. Francis Drive
Santa Fe, NM 87505
(505)-476-3460

4. Deadline for Filing Written Comments and Proposed Amendments. Written comments on the proposed rules, and any proposals for amendments thereto or substitutions therefor, must be received by the Division Administrator at the above address not later than 5:00 p.m. on Monday, September 8, 2003.

5. Pre-Hearing Statements. Any person, other than the Division, desiring to present **technical testimony** in support of, or in opposition to, the proposed rules shall file a **pre-hearing** statement substantially in the form provided for **pre-hearing** statements in adjudicatory hearings (See Division Rule 1208.B [19.15.1208.B NMAC]). Pre-hearing statements must be received by the Division Administrator at the above address not later than 5:00 p.m. on Monday, September 8, 2003.

6. Order of Presentations and Evidence. The hearing will begin with a technical presentation by the Division staff in support of the proposed rules. Following the Division's presentation, the Commission will entertain presentations by other parties and public comments. All persons present at the hearing and desiring to address the Commission regarding the proposed rules will be accorded a reasonable opportunity to speak. The order of presentation will depend on the number and length of proposed presentations **and** comments and will be determined by the Commission on the day of the hearing.

7. Post-Hearing Submissions. The Commission will make a decision at the close of the hearing whether additional written comments on the proposed rules or proposals for amendments thereto or substitutions therefor will be accepted after the close of the hearing and, if it decides to accept such submissions, will then fix a final closing date for submission thereof.

DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.



SEAL

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

Lori Wrotenberg
LORI WROTENBERG, CHAIR