

## NOTICE OF PROPOSED RULEMAKING

The New Mexico Oil Conservation Commission (Commission) hereby gives notice of the following proposed rulemaking (Case No. 15959).

The Commission proposes to repeal and replace its rule, 19.15.29 NMAC, for releases of oil, gases, produced water, condensate, or other oil field waste. The proposed rule amends the definition of major release, adds a definition for “responsible party”, amends the current requirements for release notification, and adds the following new sections:

19.15.29.9 NMAC – Release Notification and Reporting Requirements

19.15.29.10 NMAC – Initial Response

19.15.29.11 NMAC – Site Assessment/Characterization

19.15.29.12 NMAC – Remediation and Closure

19.15.29.13 NMAC – Restoration, Reclamation, and Re-Vegetation

19.15.29.14 NMAC – Variances

19.15.29.15 NMAC – Enforcement

19.15.29.16 NMAC – Transitional Provisions

**Purpose of Proposed Rule.** The proposed changes establish requirements and processes for initial response to releases, site assessment/characterization of releases, remediation and closure of sites where releases have occurred; restoration, reclamation, and re-vegetation of sites whether releases have been remediated; requesting variances, and enforcement.

**Legal Authority.** These amendments are authorized by the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38, and specifically Section 70-2-11(A), (which authorizes the adoption of rules to carry out the purposes of the Act), Section 70-2-12(B)(21) (which authorizes the Commission to adopt rules to regulate the disposition of nondomestic wastes resulting from the exploration, development, production, or storage of crude oil or natural gas to protect public health and the environment), and Section 70-2-12(B)(22) (which authorizes the Commission to regulate the disposition of nondomestic wastes resulting from the oil field service industry, the transportation of crude oil or natural gas, the treatment of natural gas or the refinement of crude oil to protect public health and the environment). The rulemaking proceeding will be governed by the Commission’s rule on rulemaking, 19.15.3 NMAC.

**The full text of the proposed rule amendments is available** from Commission Clerk, Florene Davidson at (505) 476-3458 or can be viewed on the Rules page at the Oil Conservation Division's website at <http://www.emnrd.state.nm.us/ocd>, or at Oil Conservation Division offices in Santa Fe, Hobbs, Artesia, or Aztec.

**Public Hearing and Comment.** The Commission will hold a **public hearing** on the proposed rules at the Commission meeting which will commence at 9:00 A.M. on June 5, 2018, in Porter Hall, 1st Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico.

**Written or electronic comments** on the proposed rule may be hand delivered or mailed to the Commission Clerk, Florene Davidson, 3<sup>rd</sup> floor, 1220 South St. Francis Drive, Santa Fe, NM 87505, or e-mailed to [florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us). All written or electronic comment must be received by the Commission Clerk no later than 9:00 A.M. on June 5, 2018 (the date of the scheduled hearing), unless the Commission or the Commission Chair extends this deadline.

**Persons intending to submit proposed modifications to the proposed rule amendments, to present technical testimony at the hearing, or to cross-examine witnesses** must file six copies of a Pre-hearing Statement conforming to the requirements of Subsection B of 19.15.3.11 NMAC, no later than 5:00 P.M. on May 22, 2018 (10 business days prior to the scheduled date of the hearing). Pre-hearing Statements must be hand-delivered, mailed, or e-mailed to the Commission Clerk at the above address.

Any person who has not submitted a pre-hearing statement may present non-technical testimony or make an

unsworn statement at the hearing. A person may also offer exhibits with the testimony so long as the exhibits are relevant to the proposed rule changes and do not unduly repeat the testimony. Any person who wishes to present non-technical testimony should indicate his or her intent on a sign-in sheet at the hearing. A person who testifies at the hearing is subject to cross-examination by the commissioners, commission counsel or a party on the subject matter of the person's direct testimony.

**If you are an individual with a disability** who needs 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 at 1-800-659-1779 by May 29, 2018. 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 party who plans to use projection equipment at a hearing must contact Ms. Davidson seven business days prior to the hearing requesting the use of the projection equipment. Wireless internet is available; however, the person requesting to use the wireless connection must provide a laptop computer.

**Technical information** that served as a basis for the proposed rule includes NRCS Field Guide, EPA SW-846, ASTM Method 4547, and EPA 600.

These materials except for ASTM Method 4547 can be viewed on the Rules page at the Oil Conservation Division's website at <http://www.emnrd.state.nm.us/ocd>. ASTM Method 4547 can be viewed at the OCD's Santa Fe Office at 1220 South St. Francis Dr., Santa Fe, NM 87505.