

**MINUTES OF THE MEETING
OF THE OIL CONSERVATION COMMISSION
HELD ON JUNE 27, 2012**

The Oil Conservation Commission met at 9 o'clock a.m. on June 27, 2012, in Morgan Hall, State Land Office Building, 310 Old Santa Fe Trail, Santa Fe, New Mexico.

PRESENT: **GREG BLOOM, Member**
 ROBERT BALCH, Member
 JAMI BAILEY, Chair

Mark Smith served as the Commission counsel.

The meeting was called to order by Chairman Bailey.

Tom Mullins was recalled by the Independent Petroleum Association (IPANM) to continue his testimony regarding specific information pertaining to his modeling and his use of 25 feet to groundwater as a parameter. He addressed the low chloride and siting requirements. He identified the period of time for the contaminant to travel and the concentration of chloride he used in his model. He discussed infiltration rates. Mr. Jantz, Dr. Neeper, Commissioner Bloom, Commissioner Balch, and Chairman Bailey cross-examined the witness, and he was excused.

Mr. Jantz was asked when he could submit a notice of intent to provide rebuttal testimony, and he informed the Commission it could be produced by Friday, June 29. Mr. Fort pointed out that the direct testimony of Dr. Neeper was taken out of order and heard before Mr. Mullins' testimony. Therefore, it is his opinion that Dr. Neeper's testimony today is not rebuttal but part of his case in chief. He discussed the various meanings of rebuttal. Counsel Smith said this is a rulemaking hearing, not an adjudicatory hearing. He proposed that this argument be reserved for the day that Mr. Jantz presents his rebuttal. It was ruled that Dr. Neeper could present his rebuttal testimony at this meeting.

Dr. Neeper presented rebuttal testimony on the MULTIMED and HELP models used by Mr. Mullins in regards to how fast the contaminant flows and the slope of the pits. He discussed infiltration rates and liner results. Ms. Foster, Mr. Jantz, Mr. Dangler, Mr. Fort, Commissioner Bloom, and Commissioner Balch cross-examined the witness, and he was excused.

A discussion was held on meeting dates for the continuation of this hearing. August 22 and 23 were decided upon for the continuation beginning with OGAP's witness. The week of August 28 through 31 was also set aside.

Public comments were taken as follows:

Sworn – Garrett Veneklasen, a member of Trout Unlimited in Taos and Santa Fe, in support of the current rule.

The meeting was adjourned at 11:10 a.m.

After the meeting was adjourned, Mr. Jantz informed the Commission that OGAP's witness would not be available on August 22 and 23. The meeting date was changed to August 28 at 9:00 a.m. in Porter Hall, Wendell Chino Building, Santa Fe, New Mexico.

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

JAMI BAILEY, Chair