

**MINUTES OF THE MEETING
OF THE OIL CONSERVATION COMMISSION
HELD ON NOVEMBER 15, 2012**

The Oil Conservation Commission met at 9 o'clock a.m. on November 15, 2012, in Porter Hall, Wendell Chino Building, 1220 S. St. Francis Drive, Santa Fe, New Mexico.

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

Bill Brancard served as the Commission counsel.

The meeting was called to order by Chair Bailey.

Cases 14784 and 14785, applications of the New Mexico Oil and Gas Association (NMOGA) and the Independent Petroleum Association of New Mexico (IPANM), respectively, for the amendment of certain provisions of Title 19, Chapter 15 of the New Mexico Administrative Code concerning pits, closed-loop systems, below grade tanks, sumps and other alternative methods related to the foregoing and amending other rules to conforming changes, were called. Chair Bailey announced that deliberations on these two cases would not be held at this meeting, but a path forward concerning the cases would be discussed. She explained that there were two concerns: (1) that the rulemaking proposal relied on an earlier version of the pit rule, not the current version, and (2) the contaminant measurements on the two tables listed in the applications were not consistent.

Chair Bailey stated that she and Commission counsel had reviewed the rulemaking proposal and determined that the inaccuracies in the proposal were limited to language that was proposed to be repealed or replaced. She found that these errors did not require the Commission to reopen the record or redo the hearing. Chair Bailey did state that the errors in the tables could not be corrected without reopening the record and allowing additional testimony. She proposed the following:

The petitioners shall, within 15 days, submit a revised set of Tables I and II for Section 19.15.17.13 that use a consistent method for reporting measurement for each value.

The petitioners shall submit a final version of the rulemaking proposal showing the correct language in the current rule that is proposed to be repealed or amended.

The Commission shall reopen the record and schedule a hearing by January 10, 2013 for testimony on the revised set of tables. After closing of the record, the Commission will continue deliberations on these two cases.

Commissioner Balch made a motion to adopt the proposal and Commissioner Bloom seconded the motion. Chair Bailey requested that the proposed tables be submitted to the Commission by November 29, 2012. The Commissioners discussed their availability for January 9, 10, and 11, 2013. The Commission unanimously voted to adopt the proposal as follows:

Petitioners must submit a revised set of tables and a final version of the rulemaking proposal by November 29, 2012.

The Commission shall reconvene on January 9, 2013, and continue on January 10 and 11, if necessary, for the reopening of the record in Cases 14784 and 14785 for the limited purpose of receiving testimony on the revised set of tables.

Gabrielle Gerholt representing the Oil Conservation Division, Michael Feldewert representing NMOGA, and Hugh Dangler, representing the State Land Office, stated they would be available for the hearing. It was agreed that Dr. Donald Neeper and John Bartlit, representing the New Mexico Citizens for Clean Air and Water, and Karin Foster, representing IPANM, should be contacted to see if they would be available on January 9.

The meeting was adjourned at 9:10 a.m.

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

JAMI BAILEY, Chair