

## The New Spill Rule Case Number 15959

November 27, 2018

Members:

Based on feedback from operators, IPANM would like to pass along the following information regarding the implementation of the Spill Rule.

- The Spill Rule implementation granted 90-Days for operators to submit plans. However, the Oil Conservation Division (OCD) is not clearly communicated to operators whether plans have been submitted. In other words, OCD is failing to respond to an operator's submitted Spill Report as required.
- Operators are reporting a universal lack of confidence on whether OCD employees are entering operator-submitted spill reports into an OCD database. There are also concerns that submitted reports are being entered into the OCD database system incorrectly. When OCD does follow-up on submitted reports, operators report discrepancies over filing dates and/or amounts of contamination.
- Operators are reporting that OCD regulators are quickly questioning the data that companies are reporting. They are frequently requesting follow-up information on specific spill calculations, volumes, and surface area impacts.

Calls Bradford Billings are not being returned. If returned, they are making life difficult for operators. **Even though November 12<sup>th</sup> was technical deadline, OCD was treating last week Friday as the actual deadline.** Jim Griswald is heading and/or supervising the OCD's team.

Moving forward, because of the change of administration, we may hear something back from OCD soon, or it may be well into 2019 before we see any updates or improvements to this process.

For now, IPANM is recommending to all members that when cleaning up any sort of spill, be sure to document everything in writing. Another recommendation for operators is to work quickly with OCD to get "something on paper" such as an Agreed Compliance Order as soon as possible. This will help build a record with the division to help push back on any future penalties that the division may look to administer, in error, on a future date.

Likewise, if you have any questions related to your Spill Reports, be sure to contact **Bradford Billings** at (505) 476-3482 or [bradford.billings@state.nm.us](mailto:bradford.billings@state.nm.us). If unsuccessful on getting a response from Mr. Billings, definitely follow-up with his boss, Jim Griswald at (505) 476-3465 or [jim.griswald@state.nm.us](mailto:jim.griswald@state.nm.us). Be persistent and document, document, document!