



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**  
Governor  
**Joanna Prukop**  
Cabinet Secretary

**Mark E. Fesmire, P.E.**  
Director  
Oil Conservation Division

August 5, 2004

Mr. Michael H. Feldewert  
Holland and Hart, LLP  
110 North Guadalupe  
Suite 1  
Santa Fe, NM 87501

Dear Mr. Feldewert:

This is in response to your letter dated July 26, 2004 requesting that notification be made to you, on behalf of Controlled Recovery, Inc, of any applications for or modifications to surface waste management permits.

We do not maintain such a separate notification list for these types of permits. All permit applications for new surface waste management facilities and major modifications to existing facilities are published in a newspaper of general circulation in the area in which the facility is or will be located. The Oil Conservation Division also places these notices on our web site, which may be accessed at <http://www.emnrd.state.nm.us/ocd/>. From the date of publication and posting, the public has thirty (30) days in which to comment and request a hearing if they so desire.

OCD does maintain a master notification list containing names of individuals and organizations that wish to be kept informed of new discharge permits and major modifications to facilities covered by such permits. C.R.I. is currently on this list. OCD will begin including notification to these persons of surface waste management facility permits and major modifications. We have added all operators of surface waste management facilities to the list so that all such operators may participate in any decision concerning any such facilities including formal enforcement actions.

If you have any further questions about this matter, please do not hesitate to contact me.

Sincerely,

Mark E. Fesmire, P.E.  
Director, Oil Conservation Division

Case Nos. 13454 & 13455

CRI Exhibit No. 8

Hearing Date: March 25, 2005