

January 13, 2012  
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To whom it may concern:

I am a third generation land owner on the land my grandparents homesteaded in the very early 1900's. Small amounts of adjoining land have been purchased by my grandparents, parents and my wife and me adding to the original homestead, totaling approximately 2,000 acres. This land is located in the southeast part of Lea County, New Mexico. In good wet years we might run one cow and calf pair on approximately sixty to seventy acres, so ranching does not make our living, however it is a life style that we cherish and feel like it makes for a good family life. My Dad, who has passed away, and I have both worked in the oil field to support our families and ranching habit. As a land owner I have learned that all practices are not acceptable. I have tried to learn from our mistakes. Since my wife and I purchased the ranch we have been working to clean up and improve our place. We have learned that there are always new methods and new technologies that are better than some of the old ways. The things and ways that my Granddad and Dad felt were acceptable are not anymore. Disposing of trash and waste is a huge difference of the times. If we used the same methods of disposal as they did we would have a terrible place not to mention fines being leaved upon us. It costs more money to dispose of our trash and waste than they paid, but the dividends are huge in that we have a more environmentally safe place to live. We are better neighbors to our community.

As a land owner and a citizen of New Mexico, I feel that the Pit Rule is one of the MOST respectful things we could have done. I have been told by other land owners how nice it is to see and oil well being drilled without the use of earthen pits. There are huge improvements in pad and tank battery construction with the use of different types of liners and bermes to protect from leaks and spills contaminating the land. When a well area is protected and prevention is practiced and no pit is used, a well site should be reasonably returned to a condition nearer to what the land was like prior to the drilling and oil production. An operator who has enough pride in his operation to go to the expense up front should be a winner in the end. The value of his clean up operation should, if the well becomes unproductive, make the clean up much cheaper. This operator is a good neighbor.

Currently Apache and Chesapeake are the main operators on our property and I am very proud of their efforts and their results. They are not perfect but are very good neighbors.

The only people that I feel would benefit from rolling back or weakening the Pit Rule would be those operators that are in the business without pride and want save the expense of safe and environmentally friendly disposal of their waste by disposing it on their neighbor's property, whether it is fee land, state land, or federal land. Their profit will be to the public's detriment. The law requires the public, should they damage other people's property, to repair it to as nearly a feasible condition as it was prior to being damaged. Why should any Company not be expected to do the same?

As early as May of 2002, prior to Governor Richardson's terms, the state realized there were problems with pits. The OCD invited me to participate in a pit work group as a land owner representative. The group consisted of representatives from the BLM, The State Land Office, and Sierra Club, Citizens for Clean Air and Water, the OCD, several Oil Industry Representatives, and me as the land owner representative. We met in Santa Fe many days through the next months working to give our ideas and recommendations to the OCD so that they might try to come up with a Pit Rule fair to the public and safe and economical for the Industry. After the work group completed their task the OCD stalled out and did not come up with a Pit Rule.

Governor Richardson was still faced with the same problem when he took over and his administration set up another Pit Rule work group which I was not asked to be a member. Through months of work they came up with the current Pit Rule, which is far from perfect but the best we have.

Let us not roll it back but find ways to make it better and more economical. Let us not allow any one industry to dispose of their wastes on other people's property devaluing it to enhance their profits.

Instead of trying to let others tell us what levels of contaminants are acceptable, lets let nature tell us by taking uncontaminated background samples and strive to return the contaminated areas to as near the clean background as possible. Let's not let operators without pride make their profits and pass their problems to the public. That would not be acceptable for any other citizen.

I feel more disposal sites need to be approved making them closer to work areas thereby cutting transportation costs and providing more competition.

If paper work is a problem let industry and the OCD work together to make acceptable improvements.

The affected public, land owners, deserve to be notified of work being done on their property. How can we be good stewards of the land if disposal is allowed on our property without notification?

If the pit contaminants are buried on site, those areas are useless for further beneficial development. No pipelines, no high lines or any thing else that causes excavation should cross them.

I have listened to comments that we need to let science make the decisions. I know what the science is. I am 58 years old and I have pit areas on my land that have been barren of vegetation for as long as I can remember. I work around these areas all over Southeastern New Mexico.

We need to mention the different chemicals used in the drilling fluid that would be disposed of in pits. Some are known cancer causers and chlorides sterilize the soil.

If pits are the only economical way to produce then approve pits with one stipulation of taking prior background samples. When the use of the pit is complete, clean it up to uncontaminated background.

Keep the main decisions in the Santa Fe Offices and let the district offices support their decisions.

Finally, none of us in New Mexico would enjoy the style of life we have come to know without Good and Respectful Oil Companies. Let us support them and not return to the past where we all realize there are problems.

Sorry for taking so long but I truly feel New Mexico is the Land of Enchantment. Let us produce our resources and take care of our state. **IT HAS BEEN PROVEN THAT IT CAN BE DONE!**

Thank you,

Irvin Boyd