

***Public Comments***  
***Received 6-2-12***

***Case Numbers***  
***14784 & 14785***

**Duran-Saenz, Theresa, EMNRD**

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**From:** Sanford Gaines <sandygaines@mac.com>  
**Sent:** Saturday, June 02, 2012 11:48 AM  
**To:** Davidson, Florene, EMNRD  
**Subject:** Comments on Pit Rule Petition

Dear Oil Conservation Commission,

The Commission is considering an industry petition to roll back some of the requirements of the Pit Rule that was adopted only a couple of years ago after a lengthy and collaborative rule making process including close consultation with the industry.

The current Pit Rule reflects the obvious facts that New Mexico's surface environment is fragile and its water resources, especially near-surface groundwater, are exceedingly scarce. It is essential that every use of the land in the State be held to the highest possible standards to avoid contamination of land and subsurface water. Waste water from oil drilling is a major historical and potential source of contamination.

The petroleum industry has ample financial resources and technical capability for applying state-of-the-art environmental safeguards in all of its operations. It may be that there are marginal and under-capitalized operators who find expense of pit lining too much. Given the risks involved, they should not be allowed to operate with 19th century practices in the 21st century. Contamination prevention is much less costly than contamination clean-up.

The existing rules represent a carefully-crafted balance between environmental protection and operational feasibility. The industry provides no data and gives no substantiation for their arguments against the current rule. This leaves the clear implication that their request for a rollback of requirements is about short-term financial greed at the expense of the long-term interests of the State and its citizens. It is your responsibility as commissioners to keep the interests of the state as a whole uppermost in your decisions.

I urge you to dismiss the petition and maintain the Pit Rule as currently in force.

Sincerely,

Sanford E. Gaines

2815 Floral Rd. NW  
Albuquerque 87104

**Duran-Saenz, Theresa, EMNRD**

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**From:** Bob MacPherson <nr1mrm@cnsr.net>  
**Sent:** Saturday, June 02, 2012 1:58 PM  
**To:** Davidson, Florene, EMNRD  
**Subject:** Pit rule

Please keep the pit rule in place.  
Thanks you for considering my position.

Malcolm R. MacPherson, Ph.D.  
Scientist  
Santa Fe, NM