

STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION FOR THE PURPOSE OF CONSIDERING: **CASE NO. 13586**

In the matter of the Application of the New Mexico Oil
Conservation Division for Repeal of Existing Rules 709, 710 and
711 Concerning Surface Waste Management and Adoption of New
Rules Governing Surface Waste Management.

2005 NOV 1 PM 1 57

PRE-HEARING STATEMENT SUBMITTED BY

The New Mexico Citizens for Clean Air & Water, Inc.

CORRESPONDENT FOR
THIS HEARING:

Donald A. Neeper
2708 B. Walnut St.
Los Alamos, NM 87544-2050
505-662-4592
fax by voice appointment only
email: dneeper@earthlink.net

ATTORNEY:

pro se.

TECHNICAL WITNESS:

Donald A. Neeper, Ph.D.

QUALIFICATIONS:

- Ph.D., thermal physics, University of Wisconsin, 1964.
- 25 years experience in thermal engineering at Los Alamos National Laboratory, including supervision of RCRA Facility Investigation of large waste disposal sites containing hazardous and radioactive wastes.
- 5 years part-time experience consulting on vapor extraction and related remediation methods.
- Continuing research on vapor transport in soils and passive vapor extraction; authored four publications since 2001.
- Three years' service on the governing board of STRONGER, Inc..

TIME REQUIRED: 35 minutes.

EXHIBITS: none.

SYNOPSIS OF TESTIMONY:

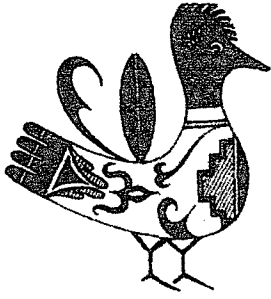
The witness will speak generally in favor of adoption of the proposed rules and amendments. Testimony will cite use of the proposed "good standing" concept elsewhere.

The proposed rule indicates that an applicant may be denied good standing if he has ownership in a non-compliant facility greater than 5%. This limit is acceptable, but would also be acceptable if specified to be no larger than 10%.

Testimony will suggest that the definition of *major modification* be changed from *occupied area* to *that area within which wastes are authorized to be received, stored, or disposed*. We will suggest that all tanks and containers of liquids be covered sufficiently to deny access to birds, mammals, and reptiles. We will suggest that closure standards for landfills avoid exposure by erosion or rodent intrusion. We will suggest that operating standards for evaporation ponds include protection from erosion. Technical reasons will be given to support argument that operating standards for landfarms utilize the SAR indicator of soil salinity, and that the limit of salinity for acceptable wastes be altered to specify electrical conductivity or chemical testing by the landfarm operator, with an acceptance limit less than the proposed 2,000 ppm.

AUTHORIZING STATEMENT:

A copy of a notarized statement authorizing the witness to speak on behalf of the organization is attached.



NEW MEXICO CITIZENS FOR CLEAN AIR & WATER, INC.

<http://members.aol.com/nmcit>

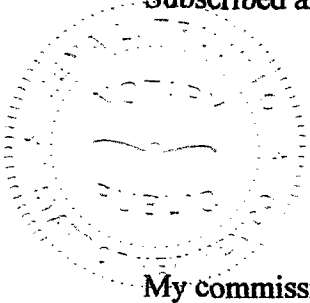
P. O. Box 5
Los Alamos, NM 87544
October 11, 2005

To Whom It May Concern:

By the consensus of its board of directors, on May 11, 2005, the New Mexico Citizens for Clean Air & Water, Inc. authorized Dr. Donald A. Neeper to speak on behalf of this organization at hearings before the Oil Conservation Division and hearings before the Oil Conservation Commission throughout the calendar year 2005.

George J. Biggs
Recording Secretary,
NMCCA&W, Inc.

Subscribed and sworn before me this ^{4h} 11 day of October, 2005.


Notary Public

My commission expires 6-13-08.