

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. 1356**

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION FOR THE
ADOPTION OF NEW RULES 37 AND 38, AND FOR THE AMENDMENT OF RULES
7, 101, 102, 201, 203, 1101, 1103, 1104, AND 1115.

2005 OCT 5 PM 3 07

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.
- 30 years intermittent experience as citizen participant in environmental protection and environmental regulation, including three years' service on the governing board of STRONGER, Inc..

TIME REQUIRED: 10 minutes.

EXHIBITS: none.

SYNOPSIS OF TESTIMONY:

The witness will speak in favor of adoption of the proposed rules and amendments, citing the need for administrative methods that encourage self-policing by the industry. In addition to aiding environmental protection, the proposed methods discourage neglectful operators from obtaining unfair economic advantages over responsible operators who incur whatever costs are necessary to remain in compliance. Testimony will cite use of the proposed "good standing" concept elsewhere.

AUTHORIZING STATEMENT:

A letter signed by Dr. Bartlit, the chairman of NMCCA&W on May 13, 2005, authorizes the witness to speak on behalf of the organization. The May 13 letter is attached to this pre-hearing statement. The revised rule 19.15.14.1204, published in the New Mexico Register on September 30, 2005, requires that such an authorizing statement be notarized. From September 30 until some time after the required date for submission of this pre-hearing statement, Dr. Bartlit is in another state for surgery, and cannot prepare a new, notarized letter. The witness will bring a notarized authorization to the hearing.



New Mexico Citizens for Clean Air and Water

113 Monte Rey Drive North
Los Alamos, NM 87544
(505) 672-9792; FAX (505) 672-0831
May 13, 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.

Very truly yours,


John R. Bartlit, Chairman

jrb:nb

cc: Don Neeper, NMCCA&W