



SAN JUAN  
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March 8, 2006

2006 MAR 9 PM 1 58

Re: Pit Rule Revision Comments:

19.17.1.7

R. (6)

**Re-vegetate** We would ask that re-vegetate would include and not be limited to plants including grasses, shrubs and trees that are indigenous to the disturbed area. We would also hope that there would be an assurance of follow up as to the successful replanting and continued growth of the plants.

19.15.4.202

**B (3) © remove deadman and all other junk:** We would like to see junk referenced as hazardous oilfield waste, trash or refuse.

19.15.2.50

(2) Closed Loop System

We support the Closed Loop System in all drilling operations in the state. An alternative application would be Closed Loop to be required within all municipalities in the state. This would ensure a greater ability for the company to control all waste material.

C. (b) Liners required.

We would request that all liner material be made of the same specified materials. The liners should be of material that that meets the most stringent requirements to help prevent leaks.

C (2) (e) Drilling and work over pits.

We ask that produced fluids be defined as drilling fluids and cuttings.

C. (g) Fencing There is not a reference to wildlife in this section. We would hope that the fencing is in place when company employees are not on site and when no work is being done.

C. (h) Netting There is not a reference to small animals in this section. We would hope that the netting is in place when company employees are not on site and when no work is being done.

F. (3) (b) (iii) If the operator, is unable to excavate the oilfield waste or contaminated soil because it is technically impracticable. We wonder with all the equipment and technology available why excavation is not possible. This seems like a situation that could be found more common than not.

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Also, if this situation presents itself, then how would burying the problem with three feet of over burden solve the problem?

F. (3) ©Alternative Closure Methods. This section indicates that experiments are a possibility and with creative thinking there are lots of possibilities.

F. (4) (b) General Site Characteristics and (c) Ranking Criteria are explained in Form C-144, this form might be reproduced and expanded on in this area for clarification.

F. (4) (d) Soil Closure Concentration Standards This area is long and confusing and may be construed in several different interpretations. This paragraph leaves open the option of requiring a closure plan. I would hope that this is NOT an option but a requirement. (See attached and idea for easier application of the table. A review of the table would indicate that the standards for Chlorides are too liberal. We do not need more salt water added to this arid area.

G. (2) and (3) Exemptions These two articles appear that they might be combined to encompass all listed exceptions. Exceptions should not be the norm but they should truly be warranted. We would hope that your department would limit exceptions to only the most extreme cases. We would also hope that you notify any surface owners if there is an exemption being considered. This notification should be in addition to the first notice to drill.

Thank you for taking the time and considering the concerns of the citizens of the State of New Mexico.

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#### Idea for rule application

**4 (d) Soil Closure Concentration Standard.** The total ranking score determined from the above table shall determine the site's soil closure concentration standard. Applying the table below lists the soil closure concentration standard for each site. Upon completion of the closure plan the division after review, notice to the operator and any opportunity for hearings, may require closure to meet more stringent requirements. The division may specify additional constituents or requirements for soil, surface water or ground water analysis or remediation based on site-specific requirements. Deviations from the approved and filed plan shall require division approval. A closure work plan shall be submitted by the operator if the operator and/or the division determines that the site cannot be closed in accordance with the soil closure concentration standards. The table below lists soil closure standards.

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