

Honorable Governor Bill Richardson

State Capitol Suite 400

Santa Fe, NM 87501

Subject: Proposed NMOCD pit regulations

Dear Governor Richardson

November 12, 2007

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We are writing to ask you to please support the more stringent new proposed NMOCD pit rules for oil and gas developments. There are many thousands of existing wells in the San Juan Basin and another 20,000+ more will be drilled over the next 20 years. Each of these wells include a reserve pit. Some of them are lined with plastic and some are unlined. Each of these pits may contain toxic waste as validated by the random testing recently conducted by NMOCD. The wells are located on public lands and many of them are on private land. For many decades, the oil and gas industry has been allowed to leave the drilling waste effluent material in the on-site pit which is covered up with dirt after the well is drilled. We do not know of any other industry that is allowed to bury their waste material on private or public land. Regardless of industry claims, many of the companies are not currently doing the right thing in our Aztec community neighborhood. We are surrounded by at least 20 gas wells that are less than one half mile from our home. Another new well was recently staked east of our home on public land.

Our home is in the City of Aztec adjacent to the Kokopelli subdivision with approximately 180 homes. In the past few years, five new wells with various reserve pit violations have been drilled in our neighborhood. Three major companies and one privately owned company are responsible for the known pit violations on these five wells. All of the problem pits were reported to NMOCD and other agencies and are documented. Four of these well sites with problem pits are located on heavily used City of Aztec recreational land granted to the city by BLM in the '60's. One of the wells is on private land. All of these wells are in the Hampton Arroyo Animas River drainage.

We are enclosing copy of our October 24, 2007 comments on the Proposed Pit Rules that were e-mailed and mailed to NMOCD. In our comments, we described only two incidents of our personal health problems and environmental and safety concerns with out of compliance reserve pits near our home. If you would like information on the other three cases that we have photographed and documented, we can provide the information to you.

The corporate giants are wailing that disposal of the drilling waste will cost too much. What price can be put on safe, clean water and environment and the health of the people who must coexist with oil and gas?

The waste disposal costs may cut into corporate profits but, that cost should be factored into the expenses of drilling. The plastic liners and potentially toxic pit contents should not be buried on private and public lands for someone in the future to clean up. We have witnessed that during the pit "reclamation" process, the flimsy plastic liner is often torn by the heavy equipment which allows the pit contents to be released into the soil.

The steel tank closed loop system is basically leak proof and keeps the effluent packaged in steel tanks. If the operator abides by current pit rules and regulations, after completion of the well, the fluid in the pit evaporates for a few months, then the company is supposed to haul away the remaining fluids for proper disposal. That leaves the sediment in the bottom of the pit. The new rule would require that the remaining sediment be hauled to a disposal facility which involves only a few more truck loads of the solid waste.

The City of Aztec has fairly stringent oil and gas codes, which up until 2004, included closed loop steel tanks on ALL oil and gas drilling sites in the city limits.

In 2004, Burlington prepped a new well site located 2,400 feet east of our home. Instead of drilling and complying with Aztec's code that required closed loop, Burlington excavated an earthen pit and lined it with plastic. The drilling was started. The rig moved off the site and the pit containing a substantial amount of drilling fluids, was left unfenced and unattended (another violation of BLM, NMOCD, and City of Aztec regulations).

When we reported this pit to the City of Aztec, Burlington complained to the City and the result was the revised (stripped down) version of oil and gas codes. The closed loop regulation was replaced by an allowance for the plastic lined earthen reserve pits. Aztec's oil and gas codes still require closed loop systems if the well is within 400 feet of homes.

These documented non-compliant pit incidents occurred in the City Limits of Aztec in plain view of numerous houses! Can you imagine what goes on out in the boondocks?

At least 20,000 new wells are to be drilled in the San Juan Basin of New Mexico. Our area environment has already been degraded by the energy industries for many, many decades. The risks of more contamination cannot continue. Please don't allow the oil and gas industry to continue the practice of burying waste contamination on private and public land.

Half of the facts now are better than all the facts too late. NMOCD has identified serious toxicants contained in the pits (point sources). Since these are point sources of known pollutants, let the oil and gas industry take care of this problem NOW!

Thank you for your environmental concerns. Sincerely,

Shirley and Warren McNall 900 Sabena Aztec, NM 87410

Copy: NMOCD Director Mark Fesmire, Natural Resources Cabinet Secretary Joanna Prukop

Enc. Shirley McNall's 10/24/07 Proposed Pit Comments