

BELIN SUGARMAN

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FACSIMILE COVER SHEET

TO: Florene Davidson

FAX NO.: 476-3462

DATE: March 19, 2009

FROM: Letty Belin

NUMBER OF PAGES:

MESSAGE:

Attached is proposed alternative language for the proposed amendments to the Pit Rule (Case No. 14292)

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BELIN SUGARMAN

Alletta Belin
Attorney at Law

March 19, 2009

Florene Davidson
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Re: Amended Pit Rule, Case. No. 14292

Dear Ms. Davidson:

Enclosed is a copy of alternative language proposed by New Mexico Citizens for Clean Air & Water, Inc., for the Pit Rule proposed in Case No. 14292.

Thank you very much for your assistance in this matter. Please call if you have any questions.

Very truly yours,



ALLETTA BELIN

cc: Don Neeper

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

**APPLICATION OF THE NEW MEXICO OIL
CONSERVATION DIVISION FOR ADOPTION OF
AMENDMENTS TO RULE 19.15.17 ("THE PIT RULE"),
STATEWIDE.**

CASE NO. 14292

**ALTERNATIVE LANGUAGE FOR THE PROPOSED AMENDMENT
SUBMITTED BY NEW MEXICO CITIZENS FOR CLEAN AIR AND WATER**

When on-site trench burial of chlorides exceeding 250 mg/l by the specified test is allowed, it is imperative that the OCD know that the conditions specifying depth to ground water have been met. Therefore, we propose adding the following sentence as an amendment to 19.15.17.13 F(3)(a) NMAC:

An operator who closes a drying pad or temporary pit by on-site trench burial shall determine the depth to any soil or rock saturated with water within 200 feet below ground surface, and record that depth on or with the drilling log.

Because the proposed increase in chloride standard is a response to temporary economic conditions, we believe the increase should be temporary. Although we strongly oppose the proposed change of the numerical chloride standard from 250 to 3000 mg/l, if this or any other increase of the standard is adopted, we suggest the following alternative to the proposed amendment of Section 13 F(3)(c) of 19.15.17 NMAC:

Using EPA SW-846 method 1312 or other EPA leaching procedure that the division approves, the operator shall demonstrate that the chloride concentration, as determined by EPA method 300.1 or other EPA method that the division approves, does not exceed 250 3000 mg/l prior to June 16, 2011 and does not exceed 250 mg/l after that date, or the background concentration whichever is greater, and that the concentrations of the water contaminants specified in Subsection A of 20.6.2.3103 NMAC as determined by appropriate

EPA methods do not exceed the standards specified in Subsection A of 20.6.2.3103 NMAC, unless otherwise specified above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alletta Belin", with a long horizontal flourish extending to the right.

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Attorney for NMCCA&W