

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

**NOTICE OF VIOLATION ISSUED TO:
BUCKEYE DISPOSAL, LLC., OGRID
#222759**

CASE NO. 25894

**OIL CONSERVATION DIVISION'S
PRE-HEARING STATEMENT**

The New Mexico Oil Conservation Division (“OCD”) submits this Pre-Hearing Statement pursuant to 19.15.4.13(B) NMAC.

I. IDENTIFICATION OF PARTY AND COUNSEL

OCD served the Notice of Violation in this matter and is represented by undersigned counsel.

II. STATEMENT OF THE CASE

This matter arises from two releases occurring at Buckeye Disposal, LLC’s State AF #003 well, (API 30-025-20980). The well itself is in “plugged, site released status”, however the operator has not completed remediation or reclamation associated with the open incidents. The incidents occurred in 2016 and 2018. OCD engaged in substantial communication with the operator and reviewed various reports and submissions between discovery of the releases and 2025. By April 2025, operator’s inability to submit complete and accurate C-141’s and complete remediation resulted in OCD’s issuance of a Notice of Violation on April 3, 2025. Subsequently, OCD engaged in extended informal resolution however the incidents remain unresolved. On information and belief, the operator does not

have the ability to satisfactorily complete all remediation. OCD seeks sanctions in the form of the proposed civil penalties and issuance of an Order allowing OCD to complete all necessary remediation, reclamation, and plugging and abandonment activities.

III. PROPOSED EVIDENCE

WITNESSES:

1. Cory Smith, Environmental Scientist Supervisor

Mr. Smith is the Supervisor of OCD's Environmental Special Projects group. Mr. Smith has an Associates of Applied Science in Instrumentation and Controls Technology and has served with OCD in various positions for more than 12 years. Mr. Smith will testify regarding the general requirements of the release rule (19.15.29 NMAC), the natural gas waste rule (19.15.27 NMAC), and the process of environmental reporting (C-141 submissions by Operators and review by OCD staff) through OCD Permitting.

2. Brittany Hall, Environmental Specialist

Ms. Hall is an Environmental Supervisor of OCD's Environmental Field Compliance Group. Ms. Hall has a Bachelor of Science in Environmental Management and an Associates of Science in Occupational Safety. She has been the supervisor of the Environmental Field Compliance Group since April 2025. Ms. Hall has worked with the OCD as a Senior Environmental Specialist with the OCD's Environmental Special Projects Group since 2022. Ms. Hall was primarily responsible for drafting the Notice of Violation (NOV) issued to

Buckeye Disposal and provides her testimony as to the facts and circumstances giving rise to the NOV and this hearing.

3. Rosa Romero, Environmental Bureau Chief

Ms. Romero is the Environmental Bureau Chief that oversees the environmental incidents program, including review and approval of site characterizations, remediation plans, and site closures. Ms. Romero will testify as to the facts and circumstances regarding the alleged violations, operator actions and compliance after issuance of the NOV, and the OCD's requested sanctions.

EXHIBITS:

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| Exhibit 1 | Curriculum Vitae of Cory Smith |
| Exhibit 2 | Direct Testimony of Cory Smith |
| Exhibit 3 | Resume of Brittany Hall |
| Exhibit 4 | Direct Testimony of Brittany Hall |
| Exhibit 5 | Curriculum Vitae of Rosa Romero |
| Exhibit 6 | [Reserved] |
| Exhibit 7 | OCD Docket Notice Case 25894 |
| Exhibit 8 | Notice of Violation, April 3, 2025 |
| Exhibit 9 | Civil Penalty Calculation, April 3, 2025 |

Incident nKL1625134663

- Exhibit 10 August 2019 Workplan and Denial
- Exhibit 11 OCD Permitting Incident Details page #nKL1625134663
- Exhibit 12 February 2024 Extension Request
- Exhibit 13 July 2024 OCD Status Request
- Exhibit 14 September 2024 OCD Status Request and Notification
- Exhibit 15 October 2024 Correspondence
- Exhibit 16 January 2025 Correspondence
- Exhibit 17 April 2025 Remediation Plan and Denial

Incident nOY1813152090 initial C-141

- Exhibit 18 Incident nOY1813152090 initial C-141
- Exhibit 19 Incident nOY1813152090 Details Page
- Exhibit 20 [Reserved]
- Exhibit 21 September 2023 Remediation Plan and Denial
- Exhibit 22 December 2023 Extension Request and Approval
- Exhibit 23 April 2025 Remediation Plan and Denial
- Exhibit 24 April 2025 Operator Update re Open Incidents Referenced in NOV
- Exhibit 25 October 2025 Email from Rosa Romero to Operator
- Exhibit 26 C-141 Release Notification Guidance
- Exhibit 27 Incident Timeline Demonstrative
- Exhibit 28 Part 29 Incident Details Page Demonstrative

IV. PROCEDURAL MATTERS

The OCD has not identified any procedural matters to be resolved prior to the hearing.

Respectfully submitted,



Jesse Tremaine
Legal Director, Oil Conservation Division
New Mexico Energy, Minerals and
Natural Resources Department
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
Cell: (505) 231-9312
JesseK.Tremaine@emnrd.nm.gov

CERTIFICATE OF SERVICE

I certify that on February 19, 2025, I served this pleading by electronic mail on:

Freya Tschantz

Freya.Tschantz@emnrd.nm.org

Oil Conservation Division Clerk

Dalva Moellenberg

Serafina I. Seluja

DLM@gk.net

Serafina.seluja@gknet.com

Gallagher & Kennedy

1239 Paseo de Peralta

Sante Fe, NM 87501-2758

Attorneys for Buckeye Disposal, L.L.C.



Jesse Tremaine