

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

**IN RE: NOTICE OF VIOLATION ISSUED TO
BUCKEYE DISPOSAL, LLC**

CASE NO. 25894

PRE-HEARING STATEMENT

Pursuant to 19.15.4.13 NMAC, this Pre-Hearing Statement is submitted by Buckeye Disposal, LLC, by and through its undersigned counsel.

APPEARANCES OF PARTIES

APPLICANT:

OIL CONSERVATION DIVISION

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

RESPONDENT:

BUCKEYE DISPOSAL, LLC

Dalva L. Moellenberg
Serafina I. Seluja
Gallagher & Kennedy
1239 Paseo de Peralta
Santa Fe, NM 87501
(505) 982-9523
dln@gknet.com
serafina.seluja@gknet.com

CONCISE STATEMENT OF THE CASE

This matter involves Buckeye Disposal, LLC's ("Buckeye") good faith efforts to comply with the requirements of 19.15.29 NMAC with regard to the incidents identified in the Notice of Violation at the State AF #003. As outlined in the chronology stated in the Notice of Violation, Buckeye submitted site assessment work plans and revisions and remediation and reclamation plans to the Division as well as to the State Land Office. Buckeye also performed substantial site assessment and characterization work and submitted reports to the Division. In March 2025, Buckeye submitted a proposed Remediation Plan, which was rejected by the Division.

Following receipt of the Notice of Violation, Buckeye attempted informal resolution including a discussion of additional work that could be performed at the site, but no resolution was accomplished. As indicated in the Docketing Notice, Buckeye has advised the Division that it lacks the resources necessary to complete the additional site characterization and remediation work demanded by the Division.

RESPONDENT'S PROPOSED EVIDENCE

At this time, Buckeye Disposal, LLC does not intend to present any witnesses or exhibits, but may question witnesses offered by the Division through counsel.

PROCEDURAL MATTERS

None at this time.

Respectfully submitted,

GALLLAGHER & KENNEDY, PA

/s/ Dalva L. Moellenberg

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Pre-Hearing Statement* was served on February 19, 2026, via electronic mail to the following parties:

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By: /s/ Dalva L. Moellenberg
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State of New Mexico
Energy, Minerals and Natural Resources
Oil Conservation Division
1220 S. St Francis Dr.
Santa Fe, NM 87505

QUESTIONS

Action 556117

QUESTIONS

Operator: BUCKEYE DISPOSAL, L.L.C. P.O. Box 2724 Lubbock, TX 79408	OGRID: 222759
	Action Number: 556117
	Action Type: [HEAR] Prehearing Statement (PREHEARING)

QUESTIONS

Testimony	
Please assist us by provide the following information about your testimony.	
Number of witnesses	0
Testimony time (in minutes)	0