

**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](mailto: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  
[dlm@gknet.com](mailto:dlm@gknet.com)  
[serafina.seluja@gknet.com](mailto: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*

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

## **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:

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](mailto:JesseK.Tremaine@emnrd.nm.gov)

By: /s/ *Dalva L. Moellenberg*  
Dalva L. Moellenberg

Sante Fe Main Office  
Phone: (505) 476-3441

General Information  
Phone: (505) 629-6116

Online Phone Directory  
<https://www.emnrd.nm.gov/ocd/contact-us>

**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