

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

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENVIRONMENTAL BUREAU CHIEF, FOR AN ORDER REQUIRING MARALO, LLC TO REMEDIATE HYDROCARBON CONTAMINATION AT AN ABANDONED WELL AND BATTERY SITE; LEA COUNTY, NEW MEXICO.

**CASE NO. 13142
De Novo**

PRE-HEARING STATEMENT

This entry of appearance and pre-hearing statement is submitted by the applicant, the Oil Conservation Division.

APPEARANCES

APPLICANT

Oil Conservation Division

APPLICANT'S ATTORNEY

Gail MacQuesten
Oil Conservation Division
Energy, Minerals and Natural
Resources Department
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OPPONENTS

Maralo, LLC

OPPONENTS' ATTORNEY

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OTHER INTERESTED PARTIES

Jay Anthony, Landowner

ATTORNEY

David Sandoval
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APPLICANT'S STATEMENT OF THE CASE

The applicant seeks a compliance order requiring Maralo LLC to submit a remediation plan, and to remediate, soil contaminated with hydrocarbons at the Humble State #3 tank battery located in Unit A, Section 36, Township 25 South, Range 36 East, in Lea County, New Mexico.

accordance with a remediation plan submitted to and approved by the division or with an abatement plan submitted in accordance with Section 19 of 19.15.1 NMAC.

APPLICANT'S WITNESSES

WITNESS:	ESTIMATED TIME:
Wayne Price	45 min.
Roger Anderson	45 min.
Dorothy Phillips	15 min.

EXHIBITS

In compliance with Ms. Leach's September 29, 2004 letter, the Oil Conservation Division's exhibits are attached.

PROCEDURAL MATTERS

Maralo has a pending motion for stay.

Respectfully submitted,



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Attorney for the Oil Conservation Division

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon W. Thomas Kellahin, Rick G. Strange and David Sandoval by electronic mail this 5th day of Nov., 2004.



Gail MacQuesten