

Davidson, Florene, EMNRD

From: Don Schreiber [vivarioarriba@gmail.com]
Sent: Friday, May 18, 2012 7:37 AM
To: Bailey, Jami, EMNRD; Davidson, Florene, EMNRD
Subject: Pit Tanks Leak

May 18, 2012
Devil's Spring Ranch
Gobernador, NM

Dear Director Bailey, Dear Ms. Davidson:

Pit tanks leak.

They overflow, they corrode, they have manufacturing faults, they are vandalized.¹ They leak.

If they are below grade, you cannot see the leak.

Weeds, debris and dust blow into the vault. Surface water pools in the vault.² You cannot see.

You cannot stop the leaks anymore than you can stop the wind or the rain.

You have to place that pit tank at grade level where you can see it. Then you can fix the leak.

You have to raise the separator so it will properly drain into the tank and not freeze.

BP has done this already here in the San Juan Basin. They did it to save money and benefit their stockholders.

But BP owns just a fraction of the wells here. And we are not their stockholders.

NMOCD rules should prohibit below grade tanks.³

Because pit tanks leak.

Don and Jane Schreiber

1. We have had each and every one of these leaks on our ranch or grazing permit.

2. We have had vaults filled or obscured by blown trash or flooded vaults on our ranch or grazing permit.

3. When we started here at the ranch in 1998, operators were still in the process of complying with the OCD rule that eliminated dirt pit tanks, a rule change that industry resisted, and eventually complied with, but not before Bob Gallagher, then NMOGA head famously said, "It's just water in those pit tanks. I would drink it." Numerous tank types were used, from kiddie pools to stock tanks and they all leaked, some spontaneously combusted. Eventually a steel tank with cathodic protection became the standard, but many operators still use fiberglass tanks. All pit tanks leak, but the fiberglass tanks are much more susceptible and should be outlawed as well. Wildlife and livestock died in droves drinking the waste contained in the pit tanks. Numerous types of netting were used, beginning with the cheapest nylon and they all failed. Animal deaths, particularly birds, persisted until regulations required rigid steel which is the standard now. The regulations work. There are no more dirt tanks. There are no more kiddie pools. There is no fruit tree netting over the tanks. Industry accepts the regulation and adjusts. They will do the same when below grade tanks and fiberglass tanks are eliminated.

Davidson, Florene, EMNRD

From: Shirley McNall [sjmcnall@yahoo.com]
Sent: Friday, May 18, 2012 8:06 AM
To: Davidson, Florene, EMNRD
Subject: Pit Hearing ~~~ Our family's personal experience with a pit gone bad

This week has been consumed with our Grandaughter's graduation so we have not been in Santa Fe to participate in the Pit Rule hearings.

I, Shirley J. McNall, testified in the public Pit Rule hearings in Farmington when the current Pit Rules were formulated. I was born and raised in San Juan County on a working cattle ranch and farm. Many members of my family have and are currently employed by the oil and gas industry. I am in no way, opposed to oil and gas when developed safely and responsibly.

Our home is within the city limits of Aztec. We are adjacent to the Kokopelli Subdivision which is a high end development of over 150 homes. Our neighborhood is surrounded by at least 20 gas wells.

I am going to focus on one well near our home, which was developed in 2006~2007, and during it's development, was found to be in violation of several serious NM OCD and City of Aztec Oil and Gas Codes!

The well is the XTO Hampton D1E API 3004532540. The permit had flawed information regarding surface and groundwater distances from the well site. The information submitted to NMOCD by XTO said that the depth of nearby water wells was 100 feet deep (actual water wells are 40 to 70 feet deep. One shallow approx. 40 foot deep well is on our neighbor's property. My cousin drilled it). XTO claimed that the nearest surface water was 3 miles (actually the Aztec Ditch is 900 feet north of the well site. The Animas River is approx. 1 1/2 miles from the site) In addition the well site is located on an arroyo that flows into Hampton Arroyo that empties into the Animas River.

The XTO Hampton D1E was approved. Since this well is approximately 800 feet south of our home, we watched the construction of the well pad and the drilling operation very closely. First crack out of the box, the arroyo that flows into the Hampton, was dammed off by an approx. 10 foot high earthen dam for the drilling effluent pit! NM State and City of Aztec regs forbid PITS in arroyos. I, personally, filed a complaint with NMOCD. The dam was removed. Please keep in mind, the Hampton D1E is approx. 400 feet from several homes in Kokopelli. The small arroyo flows in between homes, into a storm drain into the Hampton Arroyo and eventually into the Animas River.

The new pit was dug on the well pad on a small hill. Another incident that we recall was stinking fluids flowing out of a pipe system on a trailer office? on the well pad. The fluids were draining into the arroyo. We filed another complaint. We believe the fluid was sewage from the trailer. That mess was "cleaned up" with applications of chlorine bleach after our complaint.

The major series of violations began on February 2nd, 2007 and continued through that weekend. The drilling was complete. The pit had been left to "evaporate" for a period of time but was still full of fluid drilling effluent. On February, 2nd, we personally witnessed the equipment operator

shredding the pit liner and mixing fill dirt in with the drilling effluent using a "grabber". We photographed a few minutes of this event. The shredding of the pit liner and the mixing of dirt into the pit liquids went on for a couple of days.

The pit rules require fluids to be evaporated and or pumped out of the intact pit liner.

I filed another complaint to NM OCD on Monday. The pit quagmire was tested and found to be toxic enough that XTO had to clean up the mess. The toxics in the soil would possibly leach into the nearby water ways and ground water !!! The company claimed that the pit had been pumped out, but the pit filled up again because of precipitation. A few inches of snow fell that winter. Not enough moisture fell to fill a pit back up :(

For the next 8 days, beginning on Saturday Feb. 10th, our neighborhood was subjected to the very loud drone of vacuum trucks pumping sludge out of the pit site. Unknown gallons of precious fresh water was used to liquify the nasty pit sludge so it could be pumped in the trucks. This process went on 8 days 24 hours a day !!

Because we along with our neighbors were alert and knew about the pit rules and complained officially, this mess was cleared up. This is only one incident. We have many documented files on several of the wells in our neighborhood wherein industrial pollution of our private and public land, water and our air has occurred over the past few years.

Bottom line is ~~~ existing pit rules were violated and our neighborhood was polluted, precious water was subject to pollution and our neighborhood had to endure the chaos and noise of a forced cleanup. All of this could have been prevented had XTO used the suggested closed loop system or abided by the written pit rules. The company would have certainly saved money and we might have considered them to be "good neighbors".

Keep in mind, this fiasco happened adjacent to our Kokopelli neighborhood within the City of Aztec. The OCD office is right here in Aztec.

All of our claims have been documented by NM OCD and the City of Aztec. We have photos to share with you if you are interested.

Governor Martinez issued an extreme drought in New Mexico statement a few days ago.

Every drop of water is precious. Every drop of water must be protected from pollution.

It would be an injustice to the people of New Mexico who rely on clean water if the Proposed Gutting of the Pit Rules is allowed to happen ! Please protect our precious water !!

Thank you

Shirley J. McNall 840 Navajo Dam Road, Aztec, NM 87410 505-334-6534

Davidson, Florene, EMNRD

From: Anita Holtz [nmlorax@msn.com]
Sent: Friday, May 18, 2012 9:12 AM
To: Davidson, Florene, EMNRD; Bailey, Jami, EMNRD
Subject: Pit rules comments

To the New Mexico Oil Conservation Commission:

My name is Anita Holtz, and I am a family physician practicing in New Mexico since 1993. I am writing to express my concerns about the current attempts by industry to rewrite the pit rules. There is abundant evidence that these pits contain substances harmful to human health:

A 207 New Mexico study of actual pit wastes revealed that the majority of chemicals found have adverse effects on human health. More than one third of these chemicals are volatile, meaning that they can become airborne. Because they vaporize, they can be inhaled, ingested, and absorbed through the skin. The vast majority of these volatile chemicals are neurotoxic, causing damage to the brain and nerves. They have a wide range of other toxic effects, including irritation to the eyes and skin, damage to the lungs, gastrointestinal tract, heart, and kidneys. Some of these chemicals affect the immune system, our vital defense against infections and cancers. Others affect the reproductive system. In addition, many of the chemicals found are known carcinogens. Some impacts are immediate, but others may not manifest for decades.

Would you be comfortable having your child in a school 100 feet from a pit? Do you want to drink milk from cattle that drink from stock ponds 100 feet from a pit? Industry is fond of tossing around phrases like "unnecessary regulation". What is necessary? Do we have a responsibility to care about our neighbors? The next generation? It should be necessary for the oil and gas industry to clean up their trash, to minimize the impacts their activities have on New Mexico's water, wildlife, and their human neighbors. My interest in toxics dates back to my childhood. My father died in his 30s of renal cell cancer, commonly seen in the elderly. He was a PhD chemist who did did thesis on benzenes before they were discovered to be carcinogenic. We no longer have the excuse of ignorance however. The pit rules have not slowed down drilling in New Mexico. Please do not weaken these common sense regulations. Our children are counting on you to keep them safe.

Sincerely,

Anita Holtz, MD
11416 Paseo Del Oso NE
Albuquerque, Nm 87111