

I have already submitted comments concerning our recommendation for Pit Rule 51. My past comments were specifically referring to the materials used in the pit lining process. After reviewing a few other sections, I see another area of concern.

The current wording in Section 19.15.2.50 section E:

"Drilling fluids and drill cuttings. Operators shall recycle, transfer to a division-approved waste disposal facility or otherwise dispose of as approved by the division drilling fluids and drill cuttings in a manner to prevent the contamination of fresh water and protect public health and the environment. The operator shall describe the proposed disposal method in the application for permit to drill or the sundry notices and reports on wells."

I believe if this wording is left as is, the division could someday randomly decide that the statement, "otherwise dispose of as approved by the division," could be misinterpreted and leave no option for the cuttings to be left on site in an encapsulated drill cutting cell and require all closed loop systems or require all waste to be moved to a waste site.

After reviewing notes from the Stakeholders meeting, the "otherwise dispose of as approved by the division" meant an operator could leave the cuttings on site as customary today if the operators stated so on their application for permit to drill that they are planning to leave their drill cutting on site and the division would approve such an application.

I suggest the following wording of this paragraph to better clarify what is really meant in this section:

" Drilling fluids and drill cuttings. Operators shall recycle, transfer to a division-approved waste facility or line and close the pits as prescribed in the "Pit and Below-Grade Tank Guidelines established November 1, 2004 or otherwise dispose of as approved by the division drilling fluids and drill cuttings in a manner to prevent the contamination of fresh water and protect public health and environment. The operators shall describe the proposed disposal method in the application for permit to drill or the sundry notices and report on wells."

I think I know the intentions of the current OCD on this statement, but if the wording is left as it is, someone in the future could interpret that statement to mean absolutely no cuttings could left on the drill sites.

I don't believe that is the intention of this rule and it should be clarified.

I am also very interested in the changes to the Liners section of Rule 53. Can you tell me where to find the latest proposal or final on Rule 53. I see one dated 2/28/06. Is this the latest one?

Thank you once again for allowing me to submit my comments and taking them into consideration. I am planning on attending the Pit Rule

meeting on June 15th. Please let me know if there is any schedule changes for this meeting.  
Thanks again.

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