

NMOCD, Santa Fe NM. I am writing to you on October 24, 2007. Subject: Comments on Proposed Pit Rules. Rule 50. Please accept my comments for the record as follows: The State of New Mexico enforcement agencies should adopt and enforce more stringent regulations in order to prevent further degradation of the health and welfare of all living things most importantly mankind and the environment including our precious water supplies. Therefore, it is very apparent that NM OCD must enact and enforce a ban of on-site burial of oil and gas industry generated pit wastes. As you know, NMOCD recently conducted random testing of pit waste from a few sites and found toxic material including carcinogens to be present. This fact alone, should be enough reason to ban on-site burial of toxic pit waste. New Mexico Environmental Department has recorded thousands of cases of pit contamination of New Mexico's environment. NMOCD has reported data that over 400 cases of pit caused water contamination. This trend cannot continue. The health and welfare of the people are at risk. The industry that creates these toxic waste sites should be responsible for the prevention of environmental contamination which includes immediate clean-up and proper disposal of toxic waste. On-site burial just leaves the problem for someone else to clean up in the future. I don't know of any other industry that is allowed to bury waste effluent on public and private lands and walk away from it's filthy contamination. Private citizens would be prosecuted. A good example of contamination buried in the ground for somebody else to clean up is the sites that my husband, Warren, and I found in a newly developed neighborhood in Farmington. The following is the text of an e-mail I sent to Charlie Perrin/ NMOCD on May 28, 2006: " Re: The Merriam #1 E Heights Com well site located east of the Heights School in Farmington. It appears that heavy equipment has excavated the pit liner and contents which were buried a few feet east of the well site fence. Erosion from the well pad is running down thru the remaining contents of the gutted pit liner carrying the sediment into a drainage that flows into the arroyo that runs through the Kiwanis Park south of the Beckland Hills subdivision. There are several new homes in the area. Warren & I noticed the pit liner hanging out of the embankment when we were @ a garage sale @ 3990 Yorkshire & Manchester intersection. We took several close up photos." Mr. Perrin/ NMOCD responded on May 31, 2006: "Yes, ma'am we did conduct an investigation and determined the developer was doing dirt work and cut the liner. The operator and the developer are working together to resolve the issue."

It is unknown at this time if the pit liner and remaining pit residue has been removed or if the contents of this pit was tested. Was there any follow up by NMOCD? Is the drainage contaminated? Is the subdivision soil contaminated? Will clean up be necessary? Charlene Anderson and I both testified and provided photos of this site at a pit hearing held in Farmington about a year ago. NMOCD should have these photos on file.

Closed loop systems contain and control on site contamination and eliminate reserve pits and the related environmental problems. The waste, hopefully, is then disposed of at a controlled disposal site. Closed loop systems should be mandated in the State of New Mexico. The waste disposal sites must be located far away from populated areas and surface water drainages.

I will cite two recent incidents of reserve pit problems that occurred near our home located in a very large neighborhood within the City of Aztec, NM.

Both of these noxious incidents would have been prevented had the closed loop system been used by the two companies.

In August, 2005, my husband and I noticed the sickening stench of rotten egg-sewage odor that saturated our house. For several days, we could not bear to do any kind of outdoor activity at our home. Even though it was horribly hot, we had to stuff our air conditioner intake with pillows and keep our doors and windows closed. We both suffered from nausea, headaches, and sore throats. We were finally able to trace the foul odors to the reserve pit of the BP Federal Gas Com 001 API 3004532876 well on a Federal Lease approximately 3 / 4 mile east of our house.

The pit was approx. half full of a nasty foul looking scummy fluid that smelled worse than a commercial hog farm. We complained to the NMOCD Aztec office and BP. Not only was the foul odor from this pit making us sick, approximately 75 feet of the fence around the pit was laying flat on the ground. Several homes are located to the East and West of this site. A few days after we complained, the operator reported that the pit had been "sweetened with chemicals". The sickening odors continued for a few more weeks until the pit was covered and reclaimed. We have a collection of photos of this noxious well site. Please advise if you need copies.

The XTO Energy Hampton D1E API/3004533948 located on private land, is the most recent bad example of problem PITS in our Aztec neighborhood. The XTO Hampton D1E is a few hundred yards south of our home and 400+ feet from homes in the Kokopelli Subdivision. In July, 2005, well site prep began. The operator dammed off an active arroyo with the intent of lining the arroyo for an instant reserve pit. This arroyo drains between several homes in the subdivision and is a tributary of the Hampton Arroyo, listed by NMOCD as "vulnerable". The Hampton drains into the Animas River. At our request, the Aztec State Engineer's Office measured the XTO dam in the arroyo and validated that the dam was "a few inches short of a seal" violating the dam safety regulations of the State Engineer. We filed a complaint with the Aztec NMOCD office and the City of Aztec. The dam was removed and the arroyo was somewhat reclaimed. Another pit was excavated on the well pad on the south bank of the arroyo. XTO drilled the Hampton D1E in January, 2007. On February 3, 2007, Warren and I observed that the reserve pit liner was breached and the pit was being filled in with fresh dirt even though there was still a large amount of nasty, foul smelling fluid in the pit. We filed another complaint with NMOCD and the City of Aztec. Long story short, testing of the pit "mud pie" (as I call it) was done and NMOCD ordered XTO to clean up the pit mess and haul it away. Trucks pumped the sludge 24/7 for 7 or 8 days and hauled it to the Industrial Ecosystem Land Farm on Crouch Mesa. The pit sludge was hauled out of our neighborhood and deposited at the NMOCD permitted IFEJ Land Farm aka Industrial Ecosystem which is located adjacent to a sizeable housing development on Crouch Mesa and in the San Juan River drainage. We have a series of photos of these incidents. Please advise if you need copy for your files.

A closed loop system would have eliminated the XTO pit disasters, however, it is not healthy for humans to have an oil and gas waste material depository located in their neighborhood as is the case on Crouch Mesa, even though it is questionable, which came first, the homes or the land farm. The State of New Mexico must become more environmentally conscious of placement of land farms. Health and safety of the people should be a top priority of NMOCD.

In closing, I hope the State of New Mexico (NMOCD) will ban on-site burial of oil and gas pit waste.

Closed loop systems seem to be the best management solution to contamination created by pit contents. The oil and gas industry must take responsibility for proper disposal of the waste. The waste must be disposed of in environmentally sound locations.

Thank you

*Shirley J. McNall*

Shirley J. McNall

900 Sabena

Aztec, NM 87410