

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

IN THE MATTER OF THE APPLICATION OF THE NEW MEXICO OIL
CONSERVATION DIVISION FOR ADOPTION OF AMENDMENTS TO RULE
19.15.17 (THE "PIT RULE"), STATEWIDE.

CASE NO. 14292

Oil and Gas Accountability Project Pre-hearing Statement and Changes to the Proposed
Pit Rule Amendments.

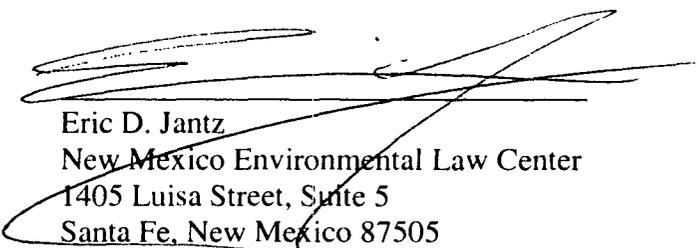
Pursuant to 19.15.14.1204.A.(1), 19.15.14.1211.B NMAC and the Commission's public notice of March 3, 2009, the Oil and Gas Accountability Project, a project of Earthworks ("OGAP") hereby submits its pre-hearing statement in the above-captioned matter, currently scheduled for hearing April 2, 2009.

The above captioned case involves the Oil Conservation Division's ("Division") proposed amendments to Rule 19.15.17 (the "Pit Rule"). Those amendments include: 1) changes to the regulations governing permitting, inspection and closure of below-grade tanks; 2) extending the time in which an oil and gas operator may apply for a permit or permit modification of an existing lined permanent pit or existing below-grade tank; and 3) increasing the chloride waste standard for closure of temporary or drying pads by on-site trench burial from 250 mg/l to the greater of 3000 mg/l or background. *Application of the New Mexico Oil Conservation Division for Adoption of Amendments to Rule 19.15.17 (the "Pit Rule") Statewide* at 1-2 (Feb. 27, 2009).

OGAP intends to present non-technical testimony at the hearing on the above-captioned matter. Additionally, OGAP submits that the Division's proposed changes to 19.15.17.13.F.(3).(c) NMAC, which governs the chloride standard for on-site trench

burial should be rejected. Thus, OGAP's proposed alternative to the Division's proposed changes in the chloride standard is that the standard and the current language of 19.15.17.13.F.(3).(c) NMAC remain unchanged.

Respectfully submitted this 19th day of March, 2009.



Eric D. Jantz
New Mexico Environmental Law Center
1405 Luisa Street, Suite 5
Santa Fe, New Mexico 87505
Telephone: (505) 989-9022
Facsimile: (505) 989-3769
ejantz@nmelc.org

Attorneys for OGAP

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of March, 2009, I have delivered a copy of the foregoing pleading in the above-captioned case via email, facsimile, or U.S. mail to the following:

David K. Brooks
Energy, Minerals and Natural Resources Department
1220 St. Francis Drive
Santa Fe, New Mexico 87505

Alletta Belin
Belin & Sugarman
618 Paseo de Peralta
Santa Fe, New Mexico 87501
Telephone: (505) 983-8936
Facsimile: (505) 983-0036
belin@bs-law.com

By: 