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30 March 2001

Commissioners
New Mexico Oil Conservation Commission
1220 South St. Francis Drive
Santa Fe, NM 87505

**RE: NM Oil Conservation Division Proposed Rule
712; Disposal of Certain Non-domestic Waste at
Solid Waste Facilities**

The New Mexico Oil and Gas Association is a trade association representing 240 companies in the state that are involved in the production of oil and gas. Our membership includes producers, transporters, refiners, processors, well servicing and disposal companies. We would like to thank you for the opportunity to comment on the *proposed* Rule 712, Disposal of Certain Non-domestic Waste at Solid Waste Facilities.

There are three points that the Association would like to make in reference to the *proposed* Rule 712.

1. Member companies of NMOGA support the proposed rule making. The concept is not new and member companies commented favorably in 1999 when the Oil Conservation Division and the Environment Department were proposing a memorandum of understanding.
2. Since the NM Environment Departments ruling in December, NMOGA has worked with the Oil Conservation Division, the Environment Department and the NM Legislature to maintain the status quo prior to NMED's ruling. On the whole, we feel that the OCD *proposed* Rule 712 supports that position.
3. Our final comment is that along with maintaining the status quo, we feel that all parties involved should be able do business on a level playing field. To that end, we would address the wastes that do not require testing before disposal at solid waste facilities. Many of the

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Serving our members since 1929.

items require a C-138 be completed for OCD licensed facilities before acceptance of the solid wastes. We feel this may impose a disadvantage for the waste generators as well as the OCD licensed facilities. We are hopeful that the OCD will review the current requirements, and when comparing like matter, revise their guidelines for the C-138 forms.

Again, we thank you for this opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah Seligman", written in black ink. The signature is fluid and extends to the right with a long horizontal stroke.

Deborah Seligman, Director
Governmental Affairs