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December 28, 2005

New Mexico Oil Conservation Division
1220 So. St. Francis Drive
Santa Fe, New Mexico 87505

Attn: Florene Davidson

RE: Comments on Surface Waste Management Rules

Dear Ms. Davidson,

ConocoPhillips Company (COPC) appreciates the opportunity to submit comments on the draft Surface Waste Management Rules issued November 14, 2005. We support regulation by formal rule, not by guideline, and believe the development of appropriate rules for surface waste management and disposal are in the best interest of both the Oil Conservation Division and Commission and the oil and gas industry. Furthermore, we support rules and regulation that protect the water resources of this state and encourage the development of our resources in a way that protects human health and the environment. However, we are concerned that the proposed rules may unnecessarily limit disposal options and will encourage unscrupulous operators to dispose of wastes in ways that will violate the Oil Conservation Division's rules and orders. We also believe that certain provision in the proposed Surface Waste Management Rules overlap with the provision of the pending pit rules and that these provisions should be incorporated into and reviewed in the meeting and hearing on those rules.

COPC supports comments and proposed alternative language on the draft submitted by the New Mexico Oil and Gas Association (NMOGA). COPC further supports comments and alternative language submitted by a separately identified "Industry Committee". The "Industry Committee" is made up of fourteen oil and gas companies that have worked collaboratively to incorporate science and operation flexibility into the Oil Conservation Division's proposed surface waste management regulations.

In closing, we thank you for the opportunity to comment on the proposed Surface Waste Management Rules.

Sincerely,

CONOCOPHILLIPS COMPANY

A handwritten signature in cursive script that reads "Yolanda Perez".

Yolanda Perez
Sr. Regulatory Specialist
Mid America Business Unit