

Davidson, Florene, EMNRD

From: Fesmire, Mark, EMNRD
Sent: Wednesday, March 01, 2006 3:13 PM
To: Davidson, Florene, EMNRD
Subject: FW: draft Pit Rule

From: John Rees [mailto:jrees@acrnet.com]
Sent: Saturday, February 25, 2006 1:08 PM
To: Fesmire, Mark, EMNRD
Subject: draft Pit Rule

Dear Mr. Fesmire,

I wish to comment on the draft Pit Rule but am unable to attend the February 27 hearing. I am a resident of San Juan County in northwestern New Mexico and am an experienced bird and wildlife watcher and a wildlife advocate. It is important that provisions be made in the Rule that will protect wildlife from toxic pit contents. In an earlier version, fencing wildlife out of pits was left to industry discretion—industry was required to fence out wildlife only if employees witnessed animals accessing pit contents. Based upon my knowledge of fences that currently aren't maintained to a standard that will prevent livestock access to pit contents (fencing isn't finished around pits or has collapsed), I remain unconvinced that the industry will do anything if access is witnessed. How many employees are going to look for such access? Also, mammals with pads may not leave much or any sign that they have drunk pit contents. It is unquestionable that wildlife will drink pit contents when cattle do, and wildlife have no doubt died just as cattle have. The truth is that there is no one asking for an autopsy when a deer or elk dies—I asked state fish and game a couple of years ago when I was studying the pit issue.

The data compiled and publicized by OCD on the large number of groundwater contamination cases from oil and gas operations shows the real risks to our water and soil from oil and gas pits. I am very concerned about the potential for water contamination in our arid pinyon/juniper and sage country and would like to see better technology to deal with pit fluids such as closed loop systems. Small springs are priceless in this dry land and serve as a source of essential water for wildlife and livestock. There is also the question of potential contamination of aquifers with contamination leaks from pits. I am concerned about pits being permanent disposal sites of polluted material—liners do not last forever, and we need to consider future generations. At some point, these toxic burritos may surface with any remaining toxins exposed to be blown by the wind or washed to rivers, our sources of drinking water. A number of county residents get their drinking water from wells—another site for potential contamination from pits.

Requiring industry to use non-toxic drilling, completion and workover substances would go a long way toward alleviating the problems of pits. During Aztec city commission meetings and Farmington city council reviews industry representatives have declared pit contents to be safe—if this is true, why has industry paid public lands' ranchers for lost livestock? The truth is that pit contents are not always innocuous regardless of industry protests to the contrary. Companies must be required to disclose to the OCD and the public the chemicals that enter pits and tanks.

Finally, without proper oversight and enforcement, any strengthening of the Rule is pointless. An employee in the Aztec office told a small group of us a couple of years ago that there were only two people in the field to inspect and enforce for San Juan and another county. With the crazy rush to drill I suspect this is not enough. I hope you will look at realistic inspection and enforcement staff and that penalties will be stiff enough to make industry think twice about ignoring rules as I have seen them do here in San Juan County.

I appreciate this opportunity to comment.

3/1/2006

Sincerely,
Janet Rees, 1400 Saiz Rd., Bloomfield, NM 87413, Phone 505-632-8335

3/1/2006