

March 10, 2006

NEW MEXICO CITIZENS FOR CLEAN AIR & WATER, INC.

2708 B. Walnut St.  
Los Alamos, NM 87544-2050

2006 MAR 13 PM 12 27

Mr. Mark Fesmire, Director  
Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, NM 87505

RE: CASE 13586

Dear Mr. Fesmire:

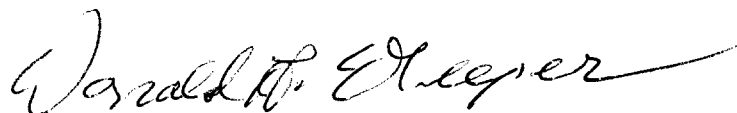
Although I have not received direct notice or service regarding a motion for continuance by the Industry Committee, I received the CRI response by email service. I surmise the contents of the motion from the CRI response. NMCCA&W's counsel is out of town; therefore I must register our firm opposition to the motion by means of this letter.

Most of the substantive changes in the proposed rules that were released on February 27 appear to be changes requested by the Industry Committee. Therefore, the Industry Committee should not assert that it has not had time to study the proposed rules.

The Industry Committee has previously requested, and received, a continuance. It has had equal time with all other participants in the process. The Industry Committee suffers no unfairness if the hearing proceeds as scheduled. Rather, it is the other parties that suffer unfairness if the hearing is once again continued. It is unfair to require that public interest groups and others repeatedly prepare materials and commit effort, only to suffer continuance of the hearing.

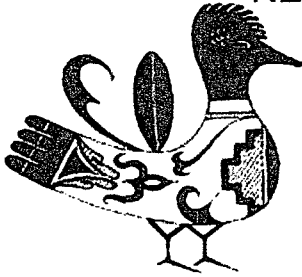
Continuance may serve to delay the rulemaking so that previous unacceptable practices may continue. So long as the rulemaking is delayed, operators can and do apply for permits under the previous, inadequate Rule 711, and other operators may proceed to dispose of wastes in so-called "deep burial." The Industry Committee should make its arguments before the Commission, not promote questionable practices and delay rulemaking until other parties are exhausted. If you find that the hearing should be continued, we request that you issue an emergency order to cease both processing of applications under Rule 711 and "deep burial" practices until the Commission issues its order.

For NMCCA&W, Inc.,

  
Donald A. Neeper, Ph.D.

By fax with hard copy by post.  
Notarized authorization attached.

NEW MEXICO CITIZENS FOR CLEAN AIR & WATER, INC.



P. O. Box 5  
Los Alamos, NM 87544  
January 31, 2006

To Whom It May Concern:

By the consensus of its board of directors, on January 28, 2006, the New Mexico Citizens for Clean Air & Water, Inc. authorized Dr. Donald A. Neepser to speak on behalf of this organization at hearings and meetings before the Oil Conservation Division and hearings and meetings before the Oil Conservation Commission throughout the calendar year 2006.

A handwritten signature in cursive script, appearing to read "George J. Biggs".

George J. Biggs  
Recording Secretary,  
NMCCA&W, Inc.

Subscribed and sworn before me this 30<sup>th</sup> day of January, 2006.

A handwritten signature in cursive script, appearing to read "Judy H. Lopez".  
\_\_\_\_\_  
Notary Public

My commission expires 12/20/08