

10:Re: End on-site pit waste disposal (15004703402) 20.02 10/20/07 011-0.001 g 01 01

Dear Commissioners,
I am writing to urge you to ensure the new oil and gas pit regulations will prohibit the oil and gas industry from scattering toxic pit waste across New Mexico in the form of unmonitored and permanent, waste dumps.

The oil and gas industry wants the new "pit rule" to allow on-site, in-place burial of drilling waste that is generated each time an oil or gas well is drilled in New Mexico. Oil and gas pits contain a range of toxic, carcinogenic and hazardous materials, and burying, unmonitored toxic pit waste threatens our precious groundwater, the people who live in proximity to these dumps, and our private and state lands.

It is time to clean up New Mexico by requiring closed loop systems near our water and homes, banning unlined pits, and even further, putting an end to onsite burial of oil and gas waste.

If on-site burial of pit waste is allowed, it will result in the continued creation of thousands of permanent and unmonitored miniature waste dumps as close as 50 feet to groundwater. With only six staff charged with monitoring waste disposal in the state, New Mexico's Oil Conservation Division simply does not have the staffing power to monitor all these mini-dumps.

If any permanent burial of waste is allowed at all, it can only be allowed where no materials of concern are present at levels of concern, as demonstrated by rigorous sampling and testing before allowing placement in each case. Further, the State must monitor this waste after burial to ensure that it does not endanger the soils or water.

Industry can afford to utilize best technologies such as closed loop systems, and they can afford to haul dirty pit waste to approved facilities. Please require closed loop systems and prohibit any permanent and unmonitored burial of pit waste -- it's the simple solution.

Sincerely,

Abigail Gergasko
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