



March 26, 2009

HAND DELIVERY

Ms. Florene Davidson
Commission Clerk
Oil Conservation Commission
New Mexico Department of Energy,
Minerals and Natural Resources
1220 South Saint Francis Drive
Santa Fe, New Mexico 87505

Re: **PRE-HEARING STATEMENT AND EXHIBITS**
Case No. 14292: Application of the New Mexico Oil Conservation Division
for the adoption of amendments to Rule 19.15.17 (the "Pit Rule"), Statewide.

Dear Ms. Davidson:

Pursuant to Oil Conservation Division Rule 19.15.14.1211 NMAC, ConocoPhillips Company files herewith its Pre-Hearing Statement and six copies of the exhibits it will present at the April 2, 2009 Oil Conservation Commission hearing on the above-referenced application. By copy of this letter, I am providing this pre-hearing statement and exhibits to all parties of record in this case.

Very truly yours,

William F. Carr
Attorney for ConocoPhillips Company

Enclosures

cc: Parties of record:

David K. Brooks, Esq.
Oil Conservation Division
New Mexico Department of Energy,
Minerals and Natural Resources

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION**

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION FOR THE
ADOPTION OF AMENDMENTS TO RULE 19.15.17 (THE" PIT RULE"), STATEWIDE.**

CASE NO. 14292

PRE-HEARING STATEMENT

This Pre-Hearing Statement is submitted by Holland & Hart LLP on behalf of ConocoPhillips Company as required by Oil Conservation Division Rule 19.15.14.1204.B NMAC.

APPEARANCES OF PARTIES

APPLICANT

New Mexico Oil Conservation Division

ATTORNEY

David K. Brooks, Esq.
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, NM 87505

OTHER PARTIES

The New Mexico Industry Committee

ATTORNEY

William F. Carr, Esq.
Holland & Hart LLP
Post Office Box 2208
Santa Fe, NM 87504-2208
(505) 988-4421

Eric L. Hiser, Esq.
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JOINT COUNSEL FOR THE
NEW MEXICO INDUSTRY
COMMITTEE

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New Mexico Citizens for Clean Air &
Water, Inc.

Alletta D. Belin, Esq.
Belin & Sugarman
618 Paseo de Peralta
Santa Fe, New Mexico 87501
ATTORNEY FOR THE NEW MEXICO
CITIZENS FOR CLEAN AIR &
WATER, INC.

New Mexico Oil & Gas Accountability
Project

Eric D. Jantz
New Mexico Environmental
Law Center
1405 Luisa St. #5
Santa Fe, New Mexico 87504-4074
ATTORNEY FOR THE NEW MEXICO
OIL & GAS ACCOUNTABILITY
PROJECT

New Mexico Oil and Gas Association

William F. Carr, Esq.
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Post Office Box 2208
Santa Fe, NM 87504-2208
(505) 988-4421
ATTORNEY FOR THE NEW
MEXICO OIL AND GAS
ASSOCIATION

STATEMENT OF CASE

APPLICANT OIL CONSERVATION DIVISION:

The hearing concerns the Application of the Oil Conservation Division ("Division") for an order amending sections 11, 12, 13, 16, and 17 of 19.15.17 NMAC ("the Pit Rule").

CONOCOPHILLIPS:

ConocoPhillips Company will call an expert witness to review the proposed amendments to the Pit Rule and provide testimony concerning the impact of these rules on oil and gas operators in New Mexico.

PROPOSED EVIDENCE

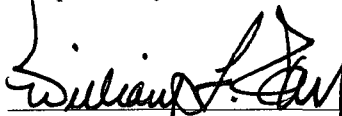
ConocoPhillips Company will present the following witness and evidence:

WITNESSES: EXHIBITS	ESTIMATED TIME	NUMBER	OF
Gregg Wurtz	10 Minutes	1 exhibit	

Mr. Wurtz may respond to the testimony of other parties concerning the proposed amendments to the Pit Rule and will testify that the Pit Rule, after the adoption of the proposed amendments, remains protective of groundwater.

Exhibit 1 to this Pre-hearing Statement is a description of Mr. Wurtz' education and experience.

Respectfully Submitted,



William F. Carr
Attorney for ConocoPhillips Company

CERTIFICATE OF SERVICE

I certify that on March 26, 2009, I served a copy of the foregoing document to the following by U.S. Mail, postage prepaid, Hand Delivery or by Facsimile:

David K. Brooks, Esq.
New Mexico Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
ATTORNEY FOR NEW MEXICO OIL CONSERVATION DIVISION

New Mexico Oil and Gas Association (By Facsimile)
Attn: Deborah Seligman
Vice President of Regulatory and Governmental Affairs
Post Office Box 1864
Santa Fe, New Mexico 87504-1864

Karin V. Foster, Esq.
P.O. Box 462
Placitas, New Mexico 87043-0462
ATTORNEY FOR THE INDEPENDENT PETROLEUM ASSOCIATION OF
NEW MEXICO

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ATTORNEY FOR THE NEW MEXICO OIL & GAS ACCOUNTABILITY
PROJECT



William F. Carr

J. Gregg Wurtz
Burlington Resources, San Juan Division
Farmington, New Mexico 87402

EDUCATION

1984 Bachelor of Science, Fort Lewis College, Durango, Colorado.
Major: Geology Area of interest: Inorganic Chemistry/Hydrogeology

REGISTRATIONS AND CERTIFICATIONS

2007 In application, Certified Safety Professional
2007 Certified Hazardous Materials Manager, Masters Level
2007 State of Wyoming Board of Registration for Professional Geologists
1999 Chairman Western Coal and Water Subcommittees, National Mining Asso.

WORK EXPERIENCE SUMMARY

Twenty one years of Health, Safety, and Environmental (HSE) technical and management experience. Including management, communication, implementation of HSE management systems, implementation with HSE policies and procedures, HSE budgets, personnel management and development, compensation administration, and regulatory affairs. Technical knowledge including hydrology, air, and waste program management. Extensive understanding of state, local, and federal regulations and environmental issues including requirements for CAA, CWA, EPCRA, RCRA, CERCLA, SPCC, RMP, OSHA, NFPA and other Federal, State, and local HSE issues. Strong ability to effectively communicate and train operations and contract personnel. Excellent collaborator providing project management and implementation guidance for HSE issues. Creditability and trust developed in roll out of new strategies and policies for emerging issues. Strong ability to define training objectives, developing HSE training course content, format, and presentation methods. Demonstrated compliance with HSE Management Systems. Strong interaction advising and assisting with reporting requirements for Federal, State, and Corporate entities. Strong HSE auditing background at Corporate and Business Unit levels. Acquisitions and divestiture due diligence experience. Coordinating the collection and analyzing of HSE data and metrics throughout the year to develop lagging and leading indicators of environmental and safety performance. Strong understanding and working knowledge of environmental and safety regulations for various Federal, State, and Tribal agencies.

Comprehensive experience in computer applications including Microsoft Office, GIS, and HSE databases. Strong commitment and performance in safety.

WORK EXPERIENCE

2000 to ConocoPhillips, San Juan Business Unit, Farmington, NM
Present Position: Senior HSE Representative-Senior Staff HSE Representative

Environmental responsibilities: Managing, developing, and implementing environmental programs for a 10,000 well production and drilling operation including: 1) Spill Prevention Control and Counter Measures (SPCC); 2) waste management, reduction, and recycling; 3) hydrology and hydrogeology monitoring and remediation; 4) spill incident reporting, root cause investigation, trending, remediation, and corrective action; 5) air permitting for minor and major sources, emissions inventories, and compliance monitoring; 6) Federal and state methane emissions reduction programs; 7) noise monitoring and abatement programs; 8) commercial and field landfarm remediation programs; 9) corporate and business unit auditing and inspections; and 10) data management systems. Strong interaction skills with engineering and field staff. Extensive experience developing and successfully managing multi million dollar environmental compliance programs. Implementing and compliance with HSE management system. Senior and Middle management communication, Implementing and complying with HSE policies and procedures, program budgets and cost tracking. Regulatory affairs at state and local level. Acquisition and divestiture due diligence. Reporting and bench marking. Competencies and working knowledge of environmental regulations for the States of Colorado, Arizona, and New Mexico and four Indian nations.

Safety responsibilities: Contractor and employee safety programs for production, pipeline, compression, and drilling groups including: 1) Vehicle safety; 2) Emergency response; 3) training in HSE policies and procedures; 4) safety audits, accident investigations; 5) behavior based programs; 6) H2S; 7) Confined Space; 8) PPE; 9) medical surveillance programs; 10) Drug and alcohol programs; 11) Lock out and tag out; and 12) Contractor management programs. Implementing and compliance with HSE management system. Participating in operations/engineering work teams developing standard operating procedures and equipment standardization guidance. Working with contractors in safety program evaluation and improvement. Managing Hazard Communications programs, including MSDS (electronic and hardcopy) programs Managing ground disturbance programs, including state certification training, utility clearance notifications, and locate requests. Contributing member of San Jaun Basin Operators Safety Council. Participating in local organizing and participating in monthly and quarterly contractor and employee safety meetings.

1/95 to
2000

BHP World Minerals, New Mexico Operations, Navajo Mine

Position: Environmental Manager. Responsible for Mine division
Environmental Department management.

Manager Environmental Compliance Program. Responsibilities included: Staff supervision, personnel management and development, compensation administration, implementation of policy and procedures. Including compliance with air quality, surface water, groundwater, and waste management programs, and external affairs. Implementation of Environmental, Health & Safety Management System in accordance with the requirements of the EH&S Policy Statement.

Responsible for all aspects of environmental compliance and permitting for a 26 sq. mi. open pit coal mine. Achieve mine site record for no environmental citations in 365 days including 50 days of direct local, state and federal site inspections. Chairman of the National Mining Association's Western Coal Mining subcommittee responsible for new Federal Clean Water Act regulation at 40 CFR Part 434 for western coal mines. New regulation resulted in expediting recovery of a \$115 million reclamation bond and cost savings of \$50 million.

Manager of Waste Management Program. Responsible all aspects of waste management including EPA Toxic Reporting Inventory. Responsible for lowering EPA waste generator status by developing and implementing waste recycling, minimization, and substitution programs resulting in substantial disposal and compliance cost reductions. Permitted and implemented used oil energy recovery program resulting in \$100,000 per year savings and BTU benefit. Key member of corporate subcommittee responsible for state exemption of coal combustion ash products as a solid waste.

Manager of Air Quality Program. Responsible for all aspects of state, tribal, and federal ambient air quality and meteorological monitoring, reporting and compliance. Responsible for developing program from a noncompliance status to in compliance while increasing productivity 30 % and decreasing costs 50 %. Key participant in legal and corporate staff subcommittee responsible for changing State Clean Air Act regulatory definition of a major source to exclude coal mining operations resulting in substantial operating and regulatory compliance cost savings.

Manager of Hydrology Program. Responsible for developing program from pattern of violation status to regulatory compliance. Responsible for developing and implementing state of the art ground water and surface water monitoring, tracking and reporting programs and environmental management systems. Responsible for increasing program productivity by 50 % and decreasing operating cost by 35% and consultant costs by 80 %. Key contact for legal and corporate staff. Responsible for all aspects of data collection, management, and

reporting. Extensive interaction with local, state, tribal, and federal regulatory agencies.

9/91 to
12/94

Jacobs Engineering Group, Denver Colorado 12/94

Position: Hydrology and Project Manager for U.S. EPA, U.S. Navy and U.S. Air Force environmental programs.

Senior Hydrologist and Project Manager. Responsible for providing technical support to U.S. Air Force environmental program. Responsible for project management related to field investigations and remedial action. Projects resulted in successful clean up and clean closure. Extensive interaction with local, state, and federal agencies. Projects involved extensive knowledge of environmental management and technical disciplines in cold weather climates.

Senior Hydrologist and Project manager. Responsible for providing management and technical support to U.S. EPA Region VIII Superfund Program. Extensive interaction with Montana Department of Environmental Quality including superfund sites in Columbus and Bozeman, MT. Projects involved extensive environmental management and application of technical disciplines.

Staff Hydrogeologist. Responsible for providing technical support to U.S. Navy environmental program. Responsible for all aspects of groundwater, surface water, soil, and waste management activities. Including extensive interaction with Navy personnel and state and federal regulatory agencies.

3/89 to
8/91

ICF Kaiser Engineers, San Francisco, California

Position: Project Manager, Senior Hydrologist, Health and Safety Officer, and U.S. EPA Region IX technical hard rock mining consultant.

Project Manager. Responsible for providing technical and management support for \$100 million site remediation program. Responsible for managing and implementing long term groundwater and soil remediation programs. Project completed on schedule and within budget.

Senior Hydrologist. Responsible for all aspects of investigating and remediating ground water contamination for protection of a municipal drinking aquifer. Project met all regulatory mandated deadlines under budget and successfully remediated site.

Health and Safety Officer. Responsible for providing health and safety management for 20 professional field staff and numerous consultants. Successfully accomplish no lost time accidents for three years.

EPA Consultant. Responsible for providing technical support to EPA Region IX and VIII. Responsible for writing and implementing regulations and compliance guidance documents. Implemented Region IX's environmental auditing program. Extensive knowledge of permitting and compliance related to Clean Water Act and Superfund.

1/87 to
3/89 Root and Norton Inc. Silverton, Colorado
Position: Assistant Manager, Environmental Engineer, and Registered Assayer

Assistant Manager Responsible for management of 10 person environmental, engineering, and assaying group. Conducting environmental investigations and remedial actions. Office safety manager.

Registered Assayer. Responsible for all aspects of fire and wet assay including Extensive knowledge and representation of concentrate shipments from mill to smelter internationally and nationally.

2/86 to
1/87 Echo Bay Mines Ltd. Silverton, Colorado
Position: Environmental engineer and registered assayer

Environmental Engineer responsible for environmental permitting and compliance of precious metal underground mining and milling operation.

5/85 to
2/86 CDS Laboratories, Durango, Colorado

U.S. EPA and State Certified Environmental Chemist. Responsible for all aspects of multimedia environmental laboratory analysis, data validation; and NPDES program compliance

1/84 to
5/85 Accu-Labs Research Inc., Wheat Ridge, Colorado

U.S. EPA and State Certified Environmental Chemist. Responsible for inorganic, organic, and radiometric analysis of soils, water, and air samples for local, state, and federal contracts.

References

Available on request.