

Case File

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

OIL CONSERVATION DIVISION
'92 AUG 31 PM 10 13

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:

CASE NO.

APPLICATION OF

PRE-HEARING STATEMENT

This prehearing statement is submitted by _____ as
required by the Oil Conservation Division.

APPEARANCES OF PARTIES

APPLICANT

ATTORNEY

name, address, phone and
contact person

OPPOSITION OR OTHER PARTY

ATTORNEY

Glenn Vanden
63 Box 2556
Farmington NM 88431

name, address, phone and
contact person

STATEMENT OF CASE

APPLICANT

(Please make a concise statement of what is being sought with this application and the reasons therefore.)

OPPOSITION OR OTHER PARTY

(Please make a concise statement of the basis for opposing this application or otherwise state the position of the party filing this statement.)

The proposed use is a danger to the health of me and my wife and four children age 5 months to 5 years of age.

There has been no environmental dept. permit issued and the applicant has failed to comply with rule 511. The CED has not provided for protection of public health and the environment as demanded by statute.

PROPOSED EVIDENCE

APPLICANT

WITNESSES
(Name and expertise)

EST. TIME

EXHIBITS

OPPOSITION

WITNESSES
(Name and expertise)


EST. TIME

EXHIBITS

PROCEDURAL MATTERS

(Please identify any procedural matters which
need to be resolved prior to the hearing)

Applicant has failed to comply
with rule 211-2-2



Signature

HYNES, HALE, THROWER

ATTORNEYS AT LAW

1000 West Apache
Farmington, New Mexico 87401
OFF: 505/325-8813
FAX: 505/326-6177

THOMAS J. HYNES • J. KEVIN HALE • LARRY T. THROWER

10539

FAX COVER SHEET

TO: William J. Lemay, Director, Oil Conservation Div.

DATE: August 28, 1992 FAX #: 1-827-5741

FROM: J. Kevin Hale, Attorney for Tierra Environmental

RE: Commercial Land-Bem Application

4

PAGES TRANSMITTED INCLUDING COVER SHEET

MESSAGE: Find attached our completed Pre-Hearing Statement.
We are forwarding the original by certified mail today.

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION WHICH IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

IF YOU DO NOT RECEIVE ALL OF THE PAGES SHOWN ABOVE, PLEASE CALL
Tamm AT (505) 325-8813 IMMEDIATELY.

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

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:

CASE NO.

APPLICATION OF

TIERRA ENVIRONMENTAL, INC.
for TIERRA ENVIRONMENTAL COMMERCIAL
LAND FARM,

PRE-HEARING STATEMENT

TIERRA ENVIRONMENTAL, INC.

This prehearing statement is submitted by / _____ as
required by the Oil Conservation Division.

APPEARANCES OF PARTIES

APPLICANT

Richard Cheney

Phil Nobis

909 W. Apache

Farmington, NM 87401

(505) 327-3303

name, address, phone and
contact person

ATTORNEY

J. Kevin Hale

P.O. Box 287

Farmington, NM 87499

(505) 325-8813

Fax (505) 326-6177

OPPOSITION OR OTHER PARTY

ATTORNEY

name, address, phone and
contact person

STATEMENT OF CASE**APPLICANT**

(Please make a concise statement of what is being sought with this application and the reasons therefore.)

Reversal of suspension. Issuance of permit for operation of the Tierra Environmental Commercial Land Farm located in the NW 1/4 of the SE 1/4, Section 2, Township 29 North, Range 12 West, N.M.P.M., San Juan County, New Mexico, in accordance with OCD Rule 711.

OPPOSITION OR OTHER PARTY

(Please make a concise statement of the basis for opposing this application or otherwise state the position of the party filing this statement.)

Pre-hearing Statement
NMOCD Case No. ____
Page 3

PROPOSED EVIDENCE

APPLICANT

WITNESSES (Name and expertise)	EST. TIME	EXHIBITS
Richard Cheney (Engineer)	40 mins.	Permit application and related writings and drawings. All correspondence with OCD related to application and approval.

OPPOSITION

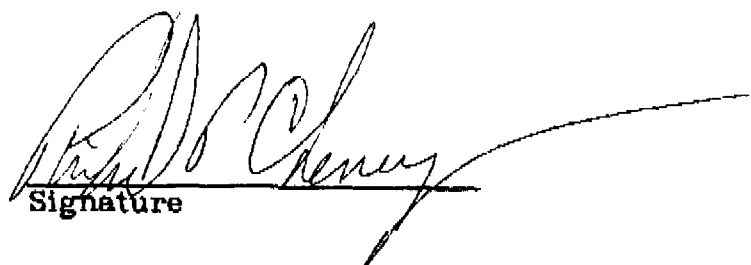
WITNESSES (Name and expertise)	EST. TIME	EXHIBITS
---	------------------	-----------------

PROCEDURAL MATTERS

**(Please identify any procedural matters which
need to be resolved prior to the hearing)**

Applicant requests that hearing be limited to:

- a. Technical testimony.
- b. Whether such technical testimony conclusively establishes application/
operation is ~~not in compliance~~ with State law and OCD Rule 711 et al.
- c. Whether applicants are entitled to reversal of suspension and issuance
of a permit for the Tierra Environmental Commercial Land Farm.


Signature

10539

STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION → FAX 505-827-5741

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:

CASE NO.

APPLICATION OF

TIERRA ENVIRONMENT COMPANY, INC.
(hearing noticed for Sept. 2)

PRE-HEARING STATEMENT

This prehearing statement is submitted by ARTHUR H. BICHAN as
represented by the Oil Conservation Division.

APPEARANCES OF PARTIES

PET

ATTORNEY

name, address, phone and
contact person

OPPOSITION OR OTHER PARTY

ATTORNEY

ARTHUR H. BICHAN
6750 COLBY LANE
BLOOMFIELD HILLS, MI.
48301
(313) 851-4364

name, address, phone and
contact person

PAGE 1 OF 3

Application of:
Tierra Environmental
hearing set for Sept. 2

STATEMENT OF CASE

APPLICANT

(Please make a concise statement of what is being sought with this application and the reasons therefore.)

OPPOSITION OR OTHER PARTY

(Please make a concise statement of the basis for opposing this application or otherwise state the position of the party filing this statement.)

1. The applicant intends to remediate soil by evaporation & rid of health and environment endangering Toxicants - B&B TOLUENE, XYLENE, ETHANE - and in such a manner as be carried downwind onto dwellings occupied by children as young as 6 months with no provision to keep concentrations below safe limits.
2. The applicant intends to spread contaminated soil on the ground in such a manner that the wind will carry the excessively contaminated soil onto adjoining property occupied by children as young as 6 months. Further, the soil thus transported before reaching safe levels can be washed down the hillside and concentrate and saturate the bottom of the hill.
3. The O.C.D. approval (suspended) of the permit affords no protection for public health or the environment although specifically charged to ~~do~~ so by State Statute.

PAGE 2 OF 3

*Application of:
Teresa Environmental
hearing set for Sept 2*

Pre-hearing Statement
NMOCD Case No. ____
Page 3

PROPOSED EVIDENCE

APPLICANT

WITNESSES
(Name and expertise)

EST. TIME

EXHIBITS

OPPOSITION

WITNESSES
(Name and expertise)

EST. TIME

EXHIBITS

GLENN VAVRA -
KNOWLEDGE OF AREA

1/2 HR.

TITLES

PROCEDURAL MATTERS

(Please identify any procedural matters which
need to be resolved prior to the hearing)

- 1. The O.C.D. failed to provide hearing rules although requested.*
- 2. The O.C.D. failed to provide a copy of application although requested.*
- 3. Applicant failed to provide notice to land owners and occupants and provide proof of service as required by Rule 711*

Arthur H. Bui

Signature

PAGE 3 of 3