

NEW MEXICO PIT RULE FACT SHEET

Adopted in 2008, the New Mexico Oil & Gas Pit Rule required oil and gas companies in our state to dispose of their waste in safe and responsible ways. In 2013, the Martinez Administration eliminated nearly every substantive provision of the Rule at the behest of New Mexico’s oil and gas industry. On March 24, 2016, the Oil and Gas Accountability Project, represented by the New Mexico Environmental Law Center, and the New Mexico Wilderness Alliance asked the state Supreme Court to review the Pit Rule and the state Court of Appeals ruling upholding it.

2008 Pit Rule	Pit Rule as amended in 2013
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Purpose of the Pit Rule was “to protect human health and the environment, including free water, soil, wildlife and biodiversity.” 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Amendments made primarily for the economic benefit of the oil and gas industry.
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Required that waste meet health-based groundwater standards with the understanding that all pits – even lined pits -- will eventually leak. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Raised concentration levels of toxins that can be buried in waste pits to meet what a typical drilling operation would produce.
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Prohibited oil and gas companies from permanently burying their waste in pits if the waste did not meet the state’s health-based groundwater standards. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Removes this protection, allowing companies to permanently bury waste containing dangerous contaminants, including cancer-causing hydrocarbons, toxic heavy metals, and volatile organic compounds.
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Required that pits be located away from homes, schools, spring, lakes, perennial waterways, and wells by 500-1000 feet. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Relaxes setbacks to 100’ from perennial water courses, 200’ from springs, wells or lakes, and 300’ from homes or schools. Allows for waste to be buried <i>within</i> seasonal streams and lakes.
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Required the collection of site-specific groundwater quality data prior to construction of a waste pit/system. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Allows companies to submit educated guesses about groundwater quality, instead of site-specific data.
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Did not allow for “multi-well fluid management pits”. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Allows “multi-well fluid management pits” for the first time in New Mexico. These toxic “frack lakes” can be of unlimited size, and been in place for 5-15 years.