



**FOR IMMEDIATE RELEASE**

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**ENVIRONMENTAL GROUP APPEALS OCC'S ROLL BACK OF PIT RULE  
TO SAVE INDUSTRY MONEY**

*SANTA FE, N.M.*— An environmental group has appealed the New Mexico Oil Conservation Commission's (OCC) decision to weaken an important environmental standard that protects New Mexico's ground water from pollution by oil and gas operations.

The Pit Rule, adopted by the OCC only a year ago, vastly improved the regulation of waste pits used by the oil and gas industry, and was one of the nation's better rules protecting water, soil and public health from toxic levels of dangerous chemicals found in oil field waste, such as high levels of chloride. A key provision was the Pit Rule's 250 mg/l "chloride standard" that, according to the OCC at the time, was essential to preventing oil field waste from contaminating ground water. But now, at Governor Richardson's prompting, the OCC has abruptly reversed course and adopted a 3000 mg/l chloride standard, which allows waste that is 12 times more contaminated to be disposed of in unmonitored pits.

On October 1, 2009 the New Mexico Environmental Law Center filed a Statement of Appellate Issues in the appeal on behalf of its client, EARTHWORKS' Oil and Gas Accountability Project (OGAP). In its brief, the Law Center argues that the OCC's decision to "radically change the chloride standard from an effective 250 mg/l to an ineffective 3000 mg/l" was arbitrary, capricious and not supported by substantial evidence.

"By adopting the 3000 mg/l chloride standard, the OCC has basically removed chloride contamination as an obstacle to onsite disposal in New Mexico," said Bruce Frederick, New Mexico Environmental Law Center staff attorney. The OCC adopted the less stringent standard in an effort to save the industry money.

"The problem is that the OCC is not writing on a blank slate," continues Frederick. "The Commission adopted the 250 mg/l standard only last year, after an intense 23-day public hearing and based on massive amounts of evidence showing that the original standard was necessary to protect ground water, public health and the environment. By law, the Commission can't just ignore its former determination."

"We are deeply disappointed in the rollbacks to the Pit Rule," adds Gwen Lachelt, OGAP's Director. "The current economic climate is exactly the time when we need strong protections in place safeguarding New Mexico's water, land and public health. The state should not be giving the signal that it's OK to cut corners and put communities and the environment at risk."

In its appeal, OGAP is requesting that the 250 mg/l standard be returned. The OCC will file a response to the statement within 30 days.

For a copy of the filed Statement of Appellate Issues, please visit [www.nmelc.org](http://www.nmelc.org).

*The mission of the New Mexico Environmental Law Center is to protect New Mexico's natural environment and communities through legal and policy advocacy, and public education. The New Mexico Environmental Law Center's attorneys have handled over 100 critical cases in low-income and minority communities fighting pollution and environmental degradation. The Law Center charges few, if any, fees to its clients, most of who are from Hispanic and Native American communities. The NMELC celebrated its 20<sup>th</sup> anniversary in 2008. Membership and gifts help New Mexico communities protect their natural environment and their health from toxic pollution, the degrading effects of growth and liabilities created by irresponsible mining. Contact: Shelbie Knox, Development Officer 505-989-9022.*

### **INTERVIEWS AND IMAGES ARE AVAILABLE UPON REQUEST**

#### **CONTACTS:**

Bruce Frederick,  
Staff Attorney  
New Mexico Environmental Law Center  
[bfrederick@nmelc.org](mailto:bfrederick@nmelc.org)  
505-989-9022, ext. 26

Gwen Lachelt, Director  
EARTHWORKS  
Oil & Gas Accountability Project  
[gwen@ogap.org](mailto:gwen@ogap.org)  
970-259-3353, ext. 1

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