



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**

Governor

**Joanna Prukop**

Cabinet Secretary

**Mark E. Fesmire, P.E.**

Director

**Oil Conservation Division**

March 18, 2005

Olane and LaDoyce Caswell  
Caswell Ranch  
Maljamar, NM 88264

Fax: 505 392-3085 (in care of Jim Wilson)

*Via mail and fax*

Re: Case No. 13455  
Emergency Order No. R-12307  
Artesia Aeration LLC Landfarm Permit No. NM-01-0030, for landfarm located in the N/2 of Sect. 7, TS 17S, R32E, in Lea County, New Mexico.

**Before the OCD  
Case 13454 & 13455  
OCD Ex. 13**

Dear Mr. and Mrs. Caswell,

On March 11, 2005, Division Director Mark Fesmire issued Emergency Order No. R-12307 allowing Artesia Aeration LLC to accept salt-contaminated oilfield wastes pending a decision on its application for a modification of its landfarm permit, No. NM-01-0030. A copy of the emergency order is enclosed. By statute, an emergency order issued without public notice and a hearing shall remain in effect no longer than fifteen days from its effective date. See NMSA 1978, § 70-2-23. Unless an extension is granted, Emergency Order No. R-12307 will be of no effect after March 26, 2005.

**The Oil Conservation Division (OCD) has scheduled a hearing before a Division hearing officer for Friday, March 25, 2005 at 10:00 a.m. in Porter Hall, First Floor, 1220 South St. Francis Drive in Santa Fe New Mexico, to consider whether Emergency Order No. R-12307 should be extended until a decision is reached on Artesia Aeration LLC's pending application for a modification of its landfarm permit. A copy of the public notice for the hearing is enclosed, with a copy of the OCD's pre-hearing statement.**

At the hearing, you will have the opportunity to oppose, or support, the issuance of an order allowing Artesia Aeration LLC to accept salt-contaminated oilfield wastes pending a decision on its permit modification application. If you intend to present evidence at the hearing you should file a pre-hearing statement, as required by 19.15.14.1208.B NMAC. You may fax the statement to Ms. Florene Davidson at 505 476-3462.

Please note that this hearing will determine only if Artesia Aeration LLC may continue to accept salt-contaminated oilfield wastes pending a decision on its application for permit modification. A decision on the application for permit modification will be made only after compliance with the notice requirements of 19.15.9.711.B NMAC, and may require a separate hearing.

If you have any questions, please contact me at (505) 476-3451 or [gmacquesten@state.nm.us](mailto:gmacquesten@state.nm.us). Please note that I may be out of the office on March 22, 23 and 24.

Very truly yours,

Gail MacQuesten  
OCD Attorney