

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

IN THE MATTER OF:

CASE NO. 13480

**APPLICATION OF GANDY MARLEY, INC. TO MODIFY THEIR EXISTING
NMOCDD RULE 711 PERMIT NO. NM-01-019 SO THEY MAY ACCEPT SALT-
CONTAMINATED WASTES, CHAVES COUNTY, NEW MEXICO**

ORDER NO. R-12306-D

ORDER OF THE DIVISION

BY THE DIVISION:

THIS MATTER came before the Director of the Oil Conservation Division (the Division) for consideration on September 29, 2005 at Santa Fe, New Mexico upon the motions of Gandy Marley, Inc. for Emergency Motion to Enforce and for Presentment of Order and Motion for Continuance, and the Director, having reviewed the matter and carefully considered the same, now, on this 4th day of October, 2005,

FINDS THAT:

(1) On August 5, 2005, the Division issued Order No. R-12306-B in this case, revoking Order No. R-12306-A (Emergency Order Extension) and directing Gandy Marley Inc. to immediately comply with the Division's letter directive of March 4, 2005 to cease accepting salt-contaminated wastes at its disposal facility.

(2) Gandy Marley, Inc. thereupon filed an application for *de novo* review of said order by the Oil Conservation Commission (the Commission) and simultaneously filed an Application for Stay of Order No. R-12306-B pending such review.

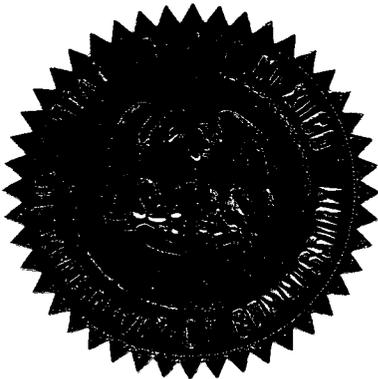
(3) On August 31, 2005 the Director of the Division issued order R-12306-C denying the Application for Stay.

(4) On September 15th, the full Commission heard GMI's Request for Review of Denial of Request for Partial Stay of Division Order No. R-12306_B. The matter was continued until September 23rd. The Commission met on September 23rd, but no final action was taken on the matter.

(5) The Director of the Division has jurisdiction, pursuant to Rule 1214(C) of the Rules of the Oil Conservation Division, to rule on motions in cases pending before the Commission.

IT IS THEREFORE ORDERED THAT :

1. Applicant's Emergency Motion to Enforce and for Presentment of Order is denied in part and granted in part.
2. Applicant is hereby granted an emergency hearing to be held on Wednesday, October 12th at 9:00 AM in Porter Hall, 1220 South St. Francis St., Santa Fe, New Mexico.
3. The purpose of said hearing is to present a proposed order in this case to the full Commission.
4. Applicant's Emergency Motion to Enforce and for Presentment of Order is denied in all other respects.
5. Applicant's Motion for Continuance is granted and the De Novo hearing in this matter is continued until the November 10, 2005 meeting of the New Mexico Oil Conservation Commission.
6. Jurisdiction of this case is retained for the entry of such further orders as the Division may deem necessary.



SEAL

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

A handwritten signature in black ink, appearing to read "Mark E. Fesmire".

MARK E. FESMIRE, P.E.
Director