



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**  
Governor

September 17, 2004

**Mark E. Fesmire, P.E.**  
Director  
Oil Conservation Division

**Joanna Prukop**  
Cabinet Secretary

Mr. Bob Mathews  
Artesia Aeration LLC  
P.O. Box 248  
Artesia, NM 88210

Dear Mr. Mathews:

Since the New Mexico Oil Conservation Division (NMOCD) promulgated Rule 50 covering pits and below-grade tanks, there has arisen a need, in certain circumstances, for operators to transport their drill cuttings off-site and dispose of them.

NMOCD Rule 711, as it pertains to landfarms, does not specifically address the issue of exempt oilfield wastes that may be contaminated with salts. Your landfarm application and permit were written with only hydrocarbon-contaminated soils in mind. Salt-contaminated wastes cause the following problems:

1. Lessening the effectiveness of the biodegradation capacity of your landfarm
2. Rapid leachability causing adverse effects on groundwater

If you want to accept salt-contaminated cuttings or any other salt-contaminated wastes, your 711 permit must be modified to ensure that your acceptance of those wastes will not adversely affect public health or the environment.

Please check one of the following:

I have accepted or intend to accept salt-contaminated wastes in my landfarm. An OCD form C-137, applying for a modification to my 711 permit is attached. Included, as an attachment, is a demonstration that the accepted salt-contaminated soils will not adversely affect groundwater in the foreseeable future. (Closure requirements will also require modification to ensure the protection of groundwater. Should your acceptance of salt-contaminated wastes prove detrimental to groundwater, future liability for such damage rests with the landfarm operator).

I do not intend to accept salt-contaminated wastes in my landfarm. Should this condition change, I will submit an OCD Form C-137 for a modification to my 711 permit at that time.

New Mexico Oil Conservation Division  
Attn: Ed Martin  
1220 S. St. Francis  
Santa Fe, NM 87505

This letter must be returned to the above address no later than October 31, 2004. An extension of time may be granted if you contact this office no later than that date.

If you have any questions, contact Ed Martin (505) 476-3492 or [emartin@state.nm.us](mailto:emartin@state.nm.us)

Signed \_\_\_\_\_

Date \_\_\_\_\_

Oil Conservation Division \* 1220 South St. Francis Drive \* Santa Fe, New Mexico 87505  
Phone: (505) 476-3440 \* Fax (505) 476-3462 \* <http://www.emnrd.state.nm.us>

Case Nos. 13454 & 13455

CRI Exhibit No. 4

Hearing Date: March 25, 2005



NEW MEXICO ENERGY, MINERALS  
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505  
(505) 827-7131

September 20, 1999

**CERTIFIED MAIL**  
**RETURN RECEIPT NO. P-326-936-641**

Mr. Rob Mathews  
Artesia Aeration L.L.C.  
P.O. Box 248  
Artesia, NM 88210

**RE: Public Notice for Artesia Aeration L.L.C.  
Commercial Landfarm Permit Application  
N/2 Section 7, Township 17 South, Range 32 East, NMPM, Lea County, New Mexico**

Dear Mr. Mathews:

The New Mexico Oil Conservation Division (OCD), has received Artesia Aeration L.L.C.'s application for a commercial waste management facility dated June 29, 1998 and supplemental information. The application proposes the construction of a landfarm soil remediation 711 facility. The facility is located in the N/2 Section 7, Township 17 South, Range 32 East, NMPM, Lea County, New Mexico.

Based on the information provided with the application Form C-137 the OCD has prepared a public notice statement that Artesia Aeration L.L.C. must published in the Lovington Daily Record and in the Santa Fe New Mexican newspapers. In addition, a notice shall be sent certified mail to all landowners within one mile of the proposed expansion area and to the Lea County Commission.

Artesia Aeration L.L.C. must send the original certified affidavit of publication from both the Lovington Daily Record and the Santa Fe New Mexican to the OCD Santa Fe office and a copy to the appropriate District office. In addition, J Artesia Aeration L.L.C. must send copies of the postal receipt and signed certified return receipt from each of the landowners and the Lea County Commission to both the OCD Santa Fe office and appropriate District office.

If you have any questions please do not hesitate to contact me at (505) 827-7153.

Sincerely,

Martyne J. Kieling  
Environmental Geologist

attachments  
xc with attachments: Hobbs OCD Office

## NOTICE OF PUBLICATION

Notice is hereby given that pursuant to the New Mexico Oil Conservation Division Regulations, the following application has been submitted to the Director of the Oil Conservation Division, 2040 S. Pacheco, Santa Fe, New Mexico 87505, Telephone (505) 827-7131:

**Artesia Aeration Landfarm, Artesia Aeration L.L.C., Operator and Land Lessee, Rob Mathews, P.O. Box 248, Artesia, New Mexico, 88210, has submitted for approval an application to construct and operate a Rule 711 commercial solids landfarm remediation facility located in the N/2 Section 7, Township 17 South, Range 32 East, NMPM, Lea County, New Mexico. Hydrocarbon contaminated soils associated with oil and gas production will be remediated by spreading them on the ground surface in 6 inch lifts or less and periodically disking them to enhance biodegradation of contaminants. One Test hole was drilled to a depth of 120 feet, no water or saturated zones were encountered. Ground water most likely to be affected by any accidental discharges at the surface is greater than 120 feet. The facility is underlain by Quaternary sands and Triassic shale and siltstone. The permit application addresses the construction, operations, spill/leak prevention contingency plan, monitoring procedures, and closure plan to be incorporated at the proposed site.**

Any interested person may obtain further information from the Oil Conservation Division and may submit written comments to the Director of the Oil Conservation Division at the address given above. The application may be viewed at the above address between 8:00 a.m. and 4:00 p.m., Monday thru Friday. Prior to ruling on any proposed application, the Director of the Oil Conservation Division shall allow at least thirty (30) days after the date of publication of this notice during which comments may be submitted to her and public hearing may be requested by any interested person. Request for public hearing shall set forth the reasons why a hearing shall be held. A hearing will be held if the director determines that there is significant public interest.

If no hearing is held, the Director will approve or disapprove the application based on the information available. If a public hearing is held, the Director will approve the application based on the information in the application and information presented at the hearing.