

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

**IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:**

**CASE NO. 13481
ORDER NO. R-12307-B**

**APPLICATION OF ARTESIA AERATION, LLC TO MODIFY THEIR
EXISTING NMOCD RULE 711 PERMIT NO. NM-01-0030 SO THEY MAY
ACCEPT SALT-CONTAMINATED OILFIELD WASTES**

ORDER OF THE DIVISION

BY THE DIVISION:

This case came before Examiner William V. Jones.

NOW, on this 10th day of August, 2005, the Division Director, having considered the record and the recommendations of the Examiner,

FINDS THAT:

1. The Division has jurisdiction over this case and its subject matter.
2. Artesia Aeration, LLC ("Artesia Aeration") is the operator of record and surface owner of a commercial landfarm located in the N/2 of Section 7, Township 17 South, Range 32 East, in Lea County, New Mexico. This landfarm is permitted pursuant to 19.15.9.711 NMAC under permit number NM-01-0030.
3. Division Director Mark Fesmire notified the holders of landfarm permits by letter dated March 4, 2005, that the Division had determined that it was necessary to modify the landfarm permits in order to protect fresh water, human health and the environment. The permits were modified to add the following conditions: "Effective immediately, the NMOCD permitted landfarm ... is prohibited from accepting oilfield waste contaminated with salts."

The March 4th letter stated that for a landfarm to accept salts, the operator was required to apply for a modification of the permit pursuant to 19.15.9.711.B(1) NMAC and follow the notice requirements of 19.15.9.711.B(2).

4. In this instance, Artesia Aeration requests a modification of its existing permit in order to allow the permitted facility to accept oil field salt contaminated solid wastes.

5. On March 11, 2005 and March 25, 2005, the Division issued emergency orders R-12307 and R-12307-A, to allow Artesia Aeration's landfarm to continue accepting salt-contaminated oilfield wastes; provided that,

[A]ny salt-contaminated oil field waste shall be kept separate from non salt-contaminated waste; and provided, further, that such extension shall only remain in effect until a determination is made by the Division on Artesia Aeration's application to amend its current landfarm permit.

6. On May 19, 2005, the Division received from Artesia Aeration a "Notice of Withdrawal of Application of Artesia Aeration, LLC to Modify its Existing NMOC Rule 711 Permit No. NM-01030 So That They May Accept Salt-Contaminated Oilfield Wastes".

7. On May 20, 2005, the Division informed Artesia Aeration by letter that the "withdrawal request" had been received and Artesia Aeration must immediately comply with the Division's March 4, 2005 letter and the landfarm facility should no longer accept oil field salt contaminated wastes.

8. Emergency Order No. 12307 as amended should no longer be in effect and Artesia Aeration should immediately comply with the Division's March 4th and May 20th letters.

9. Case 13481 should be dismissed.

IT IS THEREFORE ORDERED THAT:

1. Case No. 13481 is dismissed.

2. Emergency Order No. 12307-A is hereby rescinded and Artesia Aeration should immediately comply with the Division's March 4 and May 20, 2005 letters.

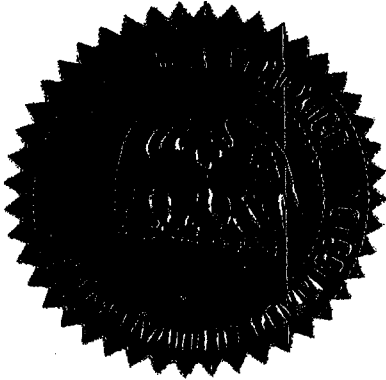
3. Artesia Aeration's landfarm facility (Permit NM-01-0030) shall no longer accept oil field salt contaminated wastes.

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DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.



SEAL

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

A handwritten signature in dark ink, appearing to read 'Mark E. Fesmire', written in a cursive style.

MARK E. FESMIRE, P.E.
Director