

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

**IN THE MATTER OF PROPOSED AMENDMENTS TO
19.15.2, 19.15.5, 19.15.8, 19.15.9, AND 19.15.25 NMAC**

WESTERN ENVIRONMENTAL LAW CENTER, et al.

PETITIONERS.

CASE NO. 24683

ORDER ON MOTION TO STRIKE

This matter comes before the Hearing Officer on a Joint Motion filed on June 6, 2025 by the New Mexico Oil and Gas Association (NMOGA) and the Independent Petroleum Association of New Mexico (IPANM) to strike the language included in Petitioners' Notice of Errata pertaining to Sections 19.15.9.8(C) and 19.15.9.9(C) filed June 2, 2025.

New Energy Economy filed a Response in opposition to the Motion on June 13, 2025; NMOGA and IPANM filed a Reply to that Response on June 23. Petitioners filed a Response in opposition to the Motion on June 21; NMOGA and IPANM filed a Reply to that Response on July 3. Petitioners filed a Motion for Leave to file a Surreply, with the Surreply attached, on July 4, 2025.

No oral argument on the Motion is necessary. The Motion to Strike is denied for many of the reasons set out in the two Responses, but particularly because a close examination of the original rulemaking Petition filed on June 24, 2024; the Revised rulemaking Petition filed on April 25, 2025; and the language set out in the Errata notice filed June 2, 2025 proves the truth of the statements made by the Petitioners in their Response on pages 2-4.

Specifically, the rules as originally proposed and then revised have included a requirement to certify and disclose to the Division an operator's "compliance with federal and state oil and gas laws and regulations in each state" in which the operator does business. The language set out in the notice of errata merely clarifies that the Division may act on that information, where the original language indicated that this was a possibility without such a direct statement. The language in the notice of errata does not, as Movants suggest, mean the difference between a review of compliance only with New Mexico's laws versus compliance with laws in all states in which an operator does business.

Further, as Petitioners note, the concept that the Division may use non-compliance as a basis for denial of operator registration or well transfer was also summarized in the relevant paragraphs where they set out their understanding of the effect of each section of the rule proposal.

Movants request that if the Motion is not granted the entire hearing be postponed or that deadlines for pre-filed testimony be adjusted. This request is also denied, for the reasons set out in the Surreply filed by Petitioners. The Motion for Leave to file the Surreply was unopposed and is granted.

Respectfully submitted,

original signed by
Felicia L. Orth, Hearing Officer