

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

**APPLICATION OF THE
NEW MEXICO OIL CONSERVATION DIVISION
TO AMEND 19.15.5 NMAC; STATEWIDE**

CASE No. 20895

**NEW MEXICO OIL CONSERVATION COMMISSION'S
AMENDED CERTIFICATE OF COMPLIANCE WITH NOTICE REQUIREMENTS**

As Clerk to the New Mexico Oil Conservation Commission ("OCC"), I hereby certify that notice of this matter has been provided as follows:

1. The Notice of Proposed Rulemaking for this Case ("Notice") was published in the New Mexico Register on November 26, 2019. Exhibit A.
2. The Notice was sent to the Albuquerque Journal and was published on November 15, 2019. Exhibit B.
3. On November 22, 2019, the Notice was posted on the Oil Conservation Division ("OCD") website and remained posted through the date of the public hearing. Exhibit C.
4. On November 22, 2019, the Notice was sent to the OCD field offices in Hobbs, Artesia and Aztec to be available to the public.
5. On November 22, 2019, the Notice had been mailed or e-mailed to all persons on the OCC's mailing list for rulemakings.
6. On November 22, 2019, the Notice was mailed to the New Mexico Legislative Council for distribution to committees.
7. On November 22, 2019, the Notice was posted on the Sunshine Portal. Exhibit D.

NEW MEXICO OIL CONSERVATION COMMISSION


**FLORENE DAVIDSON
COMMISSION CLERK**

Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 4534 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXX, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 4534, and that Invoice # 4534 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

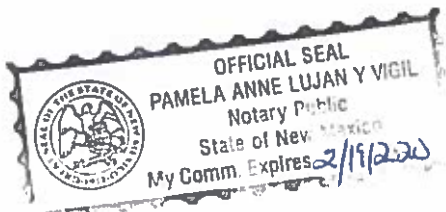
Affiant:


Matthew Ortiz

Subscribed, sworn and acknowledged before me this 26th day of November, 2019.

Notary Public:

My Commission Expires:



1205 Camino Carlos Rey | Santa Fe, NM 87507 | nmcpr.state.nm.us

Hon. Hector Balderas
Attorney General

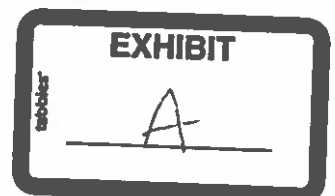
Hon. Brian S. Colón
State Auditor

Hon. Maggie Toulouse Oliver
Secretary of State

Debra Garcia y Griego
Department of Cultural Affairs

Kenneth Ortiz
General Services Department

Daniel Cordova
Interim Director, NM State Law Library



NOTICE OF PUBLIC MEETING AND PUBLIC HEARING

The State of New Mexico through the Oil Conservation Commission (Commission) hereby gives notice that the Commission will hold the following public meeting and public hearing commencing at 9:00 a.m. on January 2, 2020, in Porter Hall, 1st Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico. The Commission shall make available to the public a preliminary agenda for the meeting no later than two weeks prior to the meeting, and a final agenda for the meeting no later than 72 hours before the meeting.

Case No. 20895: APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION TO AMEND THE COMMISSION'S RULE FOR COMPLIANCE AND ENFORCEMENT IN SECTIONS 3, 8, 9, AND 10 OF 19.15.5 NMAC; STATEWIDE.

The New Mexico Oil Conservation Division (OCD) proposes to amend (1) 19.15.5.3 NMAC to add the legal authority in Section 70-2-31 NMSA 1978; (2) 19.15.5.8 NMAC to state the duties and obligations of the OCD; (3) 19.15.5.9 NMAC to reorganize the section and remove superfluous language; and (4) 19.15.5.10 NMAC to describe the OCD's enforcement authority and the procedures that the OCD will follow to issue and adjudicate notices of violation and temporary cessation orders.

Purpose of Proposed Rule. The proposed rule implements the enforcement authority delegated to the OCD by the 2019 amendments to the Oil and Gas Act, Sections 70-2-1 through 70-2-38 NMSA 1978.

Legal Authority. The proposed rule is authorized by the Oil and Gas Act, Sections 70-2-1 through 70-2-38 NMSA 1978, and specifically, Section 70-2-6 (authorizing the Commission to exercise jurisdiction, authority and control of and over all persons, matters, and things necessary or proper to enforce the statute), Section 70-2-11 (authorizing the Commission to make rules to prevent waste, protect correlative rights, and to do whatever may be reasonably necessary to implement the statute), Section 70-2-12 (enumerating the powers of the Commission and OCD), and Section 70-2-31 (authorizing the Commission to adopt rules for the issuance and adjudication of enforcement actions, including the assessment of civil penalties). The public hearing is governed by the Commission's rule on rulemaking proceedings, 19.15.3 NMAC.

Availability of Proposed Rule. The full text of the proposed rule may be obtained from the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, florene.davidson@state.nm.us, (505) 476-3458, or can be viewed on the Rules page of the OCD's website at <http://www.emnrd.state.nm.us/ocd>, or in the OCD's offices in Santa Fe, Hobbs, Artesia or Aztec.

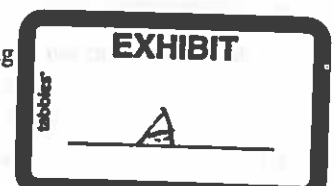
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*** Proposed Modifications, Technical Testimony, and Cross Examination.** Any person intending to propose a modification to the proposed rule, to present technical testimony at the hearing, or to cross-examine witnesses must file six copies of a Pre-Hearing Statement conforming to the requirements of Subsection B of 19.15.3.11 NMAC, no later than 5:00 p.m. on December 17, 2019. Filing may be accomplished by hand-delivery or first class or electronic mail to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or florene.davidson@state.nm.us. A person filing a Pre-Hearing Statement who intends to use projection equipment shall contact the Commission Clerk no later than seven business days prior to the hearing. Any person who presents technical testimony will be subject to cross-examination by the members of the Commission, the Commission's counsel, or another person who has filed a Pre-Hearing Statement on the subject matter of the person's direct testimony.

*** Oral Comments.** Any person who has not submitted a Pre-Hearing Statement may present non-technical testimony or make an unsworn statement at the hearing, and may offer exhibits at the hearing so long as the exhibits are relevant to the proposed rule and do not unduly repeat the testimony, and the person provides at least six copies conforming to the requirements of Subsection C of 19.15.3.12 NMAC. Any person who wishes to present non-technical testimony must indicate such intent on the sign-in sheet at the hearing. Any person who presents non-technical testimony will be subject to cross-examination by the Commission, the Commission's counsel, or another person who has filed a Pre-Hearing Statement on the subject matter of the person's direct testimony.

*** Written or Electronic Comments.** Any person may submit written or electronic comments on the proposed rule no later than 9:00 a.m. on January 2, 2020, unless extended by the Commission or the Chair of the Commission, by hand-delivery or first class or electronic mail to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or florene.davidson@state.nm.us.

*** Wireless Access.** Wireless access will be available at the location of the hearing, but a person intending provide the electronic device.



Persons with Disabilities. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, including a summary or other accessible form of document, please contact the Commission Clerk, Florene Davidson, florene.davidson@state.nm.us or (505) 476-3458, or through the New Mexico Relay Network at 1-800-659-1779, no later than December 17, 2019.

Technical Information. There is no technical information for the proposed rule.

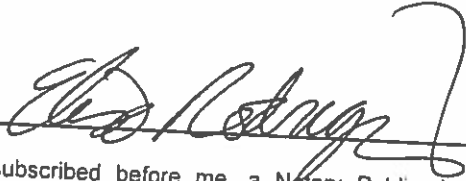
AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo SS

Elise Rodriguez, the undersigned, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost, that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

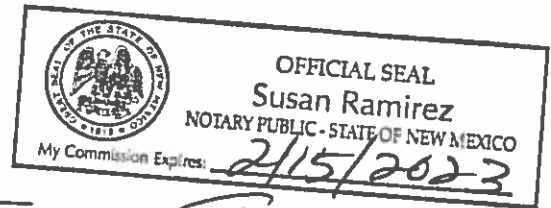
11/15/2019


Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 15 day of November of 2019

PRICE \$491.39

Statement to come at the end of month.

ACCOUNT NUMBER 1009556



NOTICE OF PUBLIC MEETING AND PUBLIC HEARING THE STATE OF NEW MEXICO THROUGH THE OIL CONSERVATION COMMISSION HEREBY GIVE NOTICE THAT THE COMMISSION



NOTICE OF PUBLIC MEETING AND PUBLIC HEARING

The State of New Mexico through the Oil Conservation Commission (Commission) hereby gives notice that the Commission will hold the following public meeting and public hearing commencing at 8:00 a.m. on January 2, 2020, in Porter Hall, 1st Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico. The Commission shall make available to the public a preliminary agenda for the meeting no later than two weeks prior to the meeting, and a final agenda for the meeting no later than 72 hours before the meeting.

Case No. 20895: APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION TO AMEND THE COMMISSION'S RULE FOR COMPLIANCE AND ENFORCEMENT IN SECTIONS 3, 4, 9, AND 10 OF 19.15.5 NMAC, STATEWIDE.

The New Mexico Oil Conservation Division (OCD) proposes to amend (1) 19.15.5.3 NMAC to add the legal authority in Section 70-2-31 NMSA 1978; (2) 19.15.5.8 NMAC to state the duties and obligations of the OCD; (3) 19.15.5.9 NMAC to reorganize the section and remove superfluous language; and (4) 19.15.5.10 NMAC to describe the OCD's enforcement authority and the procedures that the OCD will follow to issue and adjudicate notices of violation and temporary cessation orders.

Purpose of Proposed Rule. The proposed rule implements the enforcement authority delegated to the OCD by the 2019 amendments to the Oil and Gas Act, Sections 70-2-1 through 70-2-38 NMSA 1978.

Legal Authority. The proposed rule is authorized by the Oil and Gas Act, Sections 70-2-1 through 70-2-38 NMSA 1978, and specifically, Section 70-2-6 (authorizing the Commission to exercise jurisdiction, authority and control of and over all persons, matters, and things necessary or proper to enforce the statute), Section 70-2-11 (authorizing the Commission to make rules to prevent waste, protect correlative rights, and to do whatever may be reasonably necessary to implement the statute), Section 70-2-12 (enumerating the powers of the Commission and OCD), and Section 70-2-31 (authorizing the Commission to adopt rules for the issuance and adjudication of enforcement actions, including the assessment of civil penalties). The public hearing is governed by the Commission's rule on rulemaking proceedings, 19.15.3 NMAC.

Availability of Proposed Rule. The full text of the proposed rule may be obtained from the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, florene.davidson@state.nm.us, (505) 478-3458, or can be viewed on the Rules page of the OCD's website at <http://www.emord.state.nm.us/oed>, or in the OCD's offices in Santa Fe, Hobbs, Artesia or Aztec.

Public Hearing. The Commission will hold a public hearing on the proposed rule at the Commission meeting commencing at 8:00 a.m. on January 2, 2020, in Porter Hall, 1st Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico. The hearing may be continued to the following day(s) if not completed.

Proposed Modifications, Technical Testimony, and Cross Examination. Any person intending to propose a modification to the proposed rule, to present technical testimony at the hearing, or to cross-examine witnesses must file six copies of a Pre-Hearing Statement conforming to the requirements of Subsection B of 19.15.3.11 NMAC, no later than 5:00 p.m. on December 17, 2019. Filing may be accomplished by hand-delivery or first class or electronic mail to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or florene.davidson@state.nm.us. A person filing a Pre-Hearing Statement who intends to use projection equipment shall contact the Commission Clerk no later than seven business days prior to the hearing. Any person who presents technical testimony will be subject to cross-examination by the members of the Commission; the Commission's counsel, or another person who has filed a Pre-Hearing Statement on the subject matter of the person's direct testimony.

Oral Comments. Any person who has not submitted a Pre-Hearing Statement may present non-technical testimony or make an unsworn statement at the hearing, and may offer exhibits at the hearing so long as the exhibits are relevant to the proposed rule and do not unduly repeat the testimony, and the person provides at least six copies conforming to the requirements of Subsection C of 19.15.3.12 NMAC. Any person who wishes to present non-technical testimony must indicate such intent on the sign-in sheet at the hearing. Any person who presents non-technical testimony will be subject to cross-examination by the Commission; the Commission's counsel, or another person who has filed a Pre-Hearing Statement on the subject matter of the person's direct testimony.

Wireless Access. Wireless access will be available at the location of the hearing, but a person intending to use the access

AFFIDAVIT OF PUBLICATION OF NEW MEXICO

County of Bernalillo

SS

I, the undersigned, on oath states that she is an authorized Representative of the Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices and advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that there has been made of assessed as court cost; that the notice, copy of which hereto was published in said paper in the regular daily edition, for 1 time(s) on the following



OFFICIAL SEAL
Susan Ramirez
NOTARY PUBLIC - STATE OF NEW MEXICO

My Commission Expires: 2/15/2023

and subscribed before me, a Notary Public, in and County of Bernalillo and State of New Mexico this

day of November of 2019

\$491.39

to come at the end of month.

NOTARY NUMBER 1009556

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Technical Information. There is no technical information for the proposed rule.

Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 13th day of November, 2019.
STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

Adrienne Sandoval
Chair, Oil Conservation Commission

EXHIBIT

B

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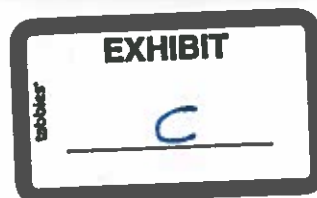
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Technical Information. There is no technical information for the proposed rule.

The newspapers of **New Mexico** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

County: Bernalillo

Printed In: Albuquerque Journal

Printed On: 2019/11/15

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