

IN THE NEW MEXICO COURT OF APPEALS

WildEarth Guardians and

New Energy Economy,

Appellants,

v.

Ct. App. Case No. _____

New Mexico Oil Conservation Commission,

Appellee.

IN THE MATTER OF PROPOSED
AMENDMENT TO THE COMMISSION’S
RULES TO ADDRESS CHEMICAL DISCLOSURE AND
THE USE OF PERFLUOROALKYL AND
POLYFLUOROALKYL SUBSTANCES AND
IN OIL AND GAS EXTRACTION,
19.15.2, 19.15.7, 19.15.14, 19.15.16 AND 19.15.25 NMAC

WILDEARTH GUARDIANS,
Petitioner.

CASE NO. 23580.

Notice of Appeal

Pursuant to NMSA 1978 Section 70-2-12.2(C) and 19.15.3.15(D) NMAC,
WildEarth Guardians and New Energy Economy appeal to the New Mexico Court
of Appeals from the Oil Conservation Commission’s June 3, 2025 “PFAS Rule
Making Order and Reasons for the Action Taken”, Order No. R-23824, in OCC
No. 23580.

Appellants file this appeal within 30 days after the filing of the rule under the State Rules Act. The final rule was filed on July 16, 2025 with the State Records Administrator. The Commission's Order is attached to this Notice of Appeal as Exhibit A and the final rule filed with the State Records Administrator is attached as Exhibit B.

Respectfully submitted August 13, 2025,

WILDEARTH GUARDIANS

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Notice of Appeal was e-mailed to the following on August 13, 2025:

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I certify that a true and correct copy of the foregoing Notice of Appeal was hand delivered to the following on August 13, 2025:

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/s/ Tim Davis
Tim Davis

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

**IN THE MATTER OF PROPOSED AMENDMENTS
TO THE COMMISSION'S RULES TO ADDRESS
CHEMICAL DISCLOSURE AND THE USE OF
PERFLUOROALKYL AND POLYFLUOROALKYL
SUBSTANCES AND IN OIL AND GAS EXTRACTION,
19.15.2, 19.15.7, 19.15.14, 19.15.16 AND 19.15.25 NMAC**

Case No. 23580

Order No. R-23824

WILDEARTH GUARDIANS,

PETITIONER

**PFAS RULE MAKING ORDER
and REASONS FOR THE ACTION TAKEN**

This matter comes before the New Mexico Oil Conservation Commission (“Commission” or “OCC”) upon a Petition filed on May 25, 2023, and an Amended Petition filed on August 23, 2024, by WildEarth Guardians (“Petitioner”) for changes to 19.15.2, 19.15.7, 19.15.14, 19.15.16 and 19.15.25 NMAC. Public hearings were held November 12 through November 15, 2024. Petitioner provided a final set of proposed rules in its Proposed Statement of Reasons on February 19, 2025. Public deliberations were held on March 11, 2025. The Commission, having reviewed the submittals, testimony, evidence, the Hearing Officer’s Report and the Proposed Findings of Fact and Conclusions of Law hereby issues, as provided for in 19.15.3.12 NMAC and 19.15.3.13.C NMAC, the following ORDER and REASONS FOR THE ACTION TAKEN. The Commission has the authority to adopt, refuse to adopt or adopt the proposed rule change in part pursuant to 19.15.3.13C NMAC. The Commission’s actions are the following:

19.15.2.7C4. “Definitions”

Petitioner proposed new language for a definition for the term “chemical.”

The Commission voted to refuse to adopt the proposed rule change.

The Commission’s reasons are:

1. There is a common term for “chemical” that exists in the industry. Oil Conservation Commission, 3/11/25 Meeting Transcript (OCC Tr.) page 6 lines 3-4 (6:3-4).
2. The definition as proposed is not the generally accepted scientific term for “chemical.” New Mexico Oil and Gas Association’s (NMOGA) Proposed Findings of Fact and Conclusions of Law (FOF) # 40.

19.15.2.7C5. “Definitions”

Petitioner proposed new language for a definition for the term “chemical disclosure list.”

The Commission voted to refuse to adopt the proposed rule change.

The Commission’s reasons are:

1. Operators already disclose the constituents in their fracking and completion fluids in FracFocus under 19.15.16.19B NMAC. NMOGA FOF #43. OCC Tr. 12:9-11.
2. The creation of a new list may conflict with the Commission’s authority because the authority extends only to acquiring and accessing such potentially protected information where necessary for the protection of public health. New Mexico Oil Conservation Division’s (Division) Closing Argument, p.4, citing to NMSA 1978, Sections 70-2-11, 70-2-12(B)(15), (21), (22), 57-3A-1, 14-2-1(F).
3. The Commission does not have the requisite authority to compel disclosure of protected information marked “trade secret” to the public in a new list. OCC Tr. 16:4-7; 15:23-25; 23:20-24:2.
4. This aspect of the proposal is within the purview of the New Mexico Legislature. Division’s Closing Argument, p.4.
5. When the Commission or Division acquires information, it becomes responsible for the appropriate handling and protection of this information. Division’s Closing Argument, p.4.
6. Not only is the protection of trade secret information stated in the Uniform Trade Secrets Act, the legislature also has directed agencies to withhold such proprietary information from public inspection. Division’s Closing Argument, p.4.
7. The adoption of a new definition may restrict innovation. OCC Tr. 24:5-7.

19.15.2.7P3. “Definitions”

Petitioner proposed new language for a definition for the term “PFAS chemicals.”

The Commission voted to adopt the proposed rule change. The remainder of the definitions under (P) are renumbered accordingly.

The adopted language reads:

P(3) “PFAS chemicals” means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.”

The Commission’s reasons are:

1. PFAS chemicals are a serious threat to public health and the environment. Petitioners Statement of Reasons on Behalf of WildEarth Guardians (Petitioner) and New Energy Economy’s (Petitioner’s FOF) #16.
2. The Division’s witness, Dr. Erik Martin, stated that studies “have shown that there are toxicological effects” of PFAS on humans. Petitioner’s Closing Brief, p. 15, citing to Martin, Tr. 11/13/2024, 225:2-6.
3. PFAS chemicals have been used in oil and gas operations in New Mexico. Petitioner’s FOF #17.
4. NMOGA’s witness, Dr. Stephen Richardson, testified that “despite some limited historical use of PFAS in hydraulic fracturing operations, the oil and gas industry has since transitioned away from these compounds in favor of other nonPFAS containing chemistries as evident by the data provided in FracFocus.” Petitioner’s Post-Hearing Closing Brief, p. 22, citing to Richardson, Tr. 11/14/2024, 253:21-25, 254: 1-10.
5. These chemicals are so toxic the industry does not want to use them anymore. OCC Tr. 35:2-5.

6. NMOGA's witness, Dr. Stephen Richardson, testified that: "I don't think it would have any impact at all, to be honest" on the oil and gas industry. Petitioner's Post-Hearing Closing Brief, pp. 1-2, citing to Richardson, Tr. 11/15/2024, 291: 21-23; OCC Tr. 30:19-22.
7. PFAS chemicals can contaminate freshwater resources through loss of well integrity events and through spills of produced water, drilling fluids or hydraulic fracturing fluids. Petitioner's FOF #18.
8. According to the New Mexico Environment Department, approximately 78 percent of New Mexicans get their drinking water from groundwater. 81 percent of New Mexicans are served by public systems with water derived from ground water sources, and over 170,000 New Mexicans depend on private wells for drinking water. Groundwater makes up nearly half of the total water annually withdrawn for all uses in New Mexico, including agriculture and industry. Petitioner's Post-Hearing Closing Brief, pp. 9-10, citing to Petitioner's Ex. 3.
9. Well integrity events happen roughly once a year in New Mexico. Petitioner's FOF #19.
10. Petitioner's definition of PFAS chemicals as those that have "at least one fully fluorinated carbon atom" is broader than the other parties' definitions and casts a wider net to protect the public health and the environment. Petitioner's FOF #41.
11. Petitioner's definition of PFAS chemicals is protective of public health and the environment because it has been adopted by 23 states and federal legislation. Petitioner's FOF #23; OCC Tr. 30:3-6.
12. Petitioner's definition would cover 10X of the chemicals as compared to other parties' definitions. OCC Tr. 31:23 – 32:4.

13. Waiting for a testing regime that can test for all PFAS chemicals is not reason to delay the adoption of Petitioner's proposed change. OCC Tr. 29:8-19; 30:12-16.
14. Division's witness, Dr. Court Sandau, stated that adopting Petitioner's definition will not impede the development of more standard analytical methods for PFAS detection. Petitioner's Post-Hearing Closing Brief, p. 20, citing to Sandau, Tr. 11/13/2024, 182:18-25.

19.15.2.7T. “Definitions”

Petitioner proposed new language for a definition for the term “trade secret.”

The Commission voted to refuse to adopt the proposed rule change.

The Commission’s reasons are:

1. Trade secret is defined under the New Mexico Trade Secrets Act in NMSA 1978, Section 57-3A-2D. NMOGA’s FOF #64, 71.
2. The proposed definition cited to the definition of “trade secret” in NMSA 1978, Section 57-3A-2D.
3. The proposed definition is redundant of NMSA 1978, Section 57-3A-2D. OCC Tr. 47:17-21; 51:10-15..

19.15.2.7U3. “Definitions”

Petitioner proposed new language for a definition for the term “undisclosed chemicals.”

The Commission voted to refuse to adopt the proposed rule change.

The Commission’s reasons are the same as the above reasoning stated in the section for not adopting the “chemical disclosure list.”

19.15.7.16 “Well Completion or Recompletion Report and Log (Form C-105).”

The Commission voted to adopt the Petitioner’s proposal in part and refused it in part.

The adopted language reads:

A. Within 45 days following the completion or recompletion of a well, the operator shall file form C-105 with the division accompanied by a summary of special tests conducted on the well, including drill stem tests. In addition, the operator shall file a certification that no PFAS chemicals were added to the fluid used in the completion or recompletion of the well, a copy of electrical and radio-activity logs run on the well with form C-105. If the division does not receive form C-105 with attached certification, logs and summaries within the specified 45-day period, the division shall withhold the allowable authorizations for the well or suspend injection authority, as appropriate, until the operator has complied with 19.15.7.16 NMAC.

B. In the case of a dry hole, a complete record of the well on form C-105, or if applicable form C-103, with the attachments listed in Subsection A of 19.15.7.16 NMAC shall accompany the notice of intention to plug the well, unless previously filed. The division shall not approve the plugging report or release the bond the operator has complied with 19.15.7.16 NMAC.

C. The division shall not keep form C-105, or if applicable form C-103, and accompanying attachments confidential unless the well's owner requests in writing that the division keep it confidential. Upon such request, the division shall keep these data confidential for 90 days from the date of the well's completion, provided, however, that the report, logs and other attached data may, when pertinent, be introduced in a public hearing before division examiners, the commission or in a court of law, regardless of the request that they be kept confidential.

D. If there is a change in the information provided under this part, the operator must submit the change to the division within 30 days after the date the operator first knew of the change.

The Commission’s reasons are:

1. The Commission voted to adopt the Petitioner’s proposals in subsections B and D.
2. The Commission voted to adopt the Division’s proposals in subsections A and C as stated in OCD Exhibit 1-0007.
3. Both the Division and Petitioner’s proposed changes included the “certification” provision.
4. The addition of a new certification will implement a ban on PFAS chemicals. Petitioner’s FOF #46.

5. The adoption of the new language provides that if the Division does not receive form C-105 with the new certification, the Division shall now be able to withhold the allowable authorizations for the well or suspend injection authority, as appropriate, until the operator has complied with 19.15.7.16 NMAC.
6. Petitioner's proposed change to include the term "chemical disclosure list" was not adopted because this term was not adopted in the definitions section. OCC Tr. 54:23-25.
7. The NMOGA's proposed change to include "intentional" actions was not adopted because intentionality can be difficult to determine regarding whether an action was intentional or not. OCC Tr. 55:22-56:1.
8. Petitioner's proposed change to the term "shall" in subsection C was not adopted. The word "may" was retained in subsection C because it provides for an option and matches the meaning of the term "when pertinent" in the same sentence. OCC Tr. 63:21-25; 67:11-23.
9. Petitioner's proposed change for a new subsection E to require the forms to be retained "indefinitely" was not necessary because there is already a State Records retention schedule for government documents. OCC Tr. 72:3-10.

19.15.14.9 “Applications”

The Commission voted to adopt the Petitioner’s proposal in part and refused it in part.

The adopted language reads:

C. An applicant for a permit to drill, deepen or plug back shall certify that they will not introduce any additives that contain PFAS chemicals in the completion or recompletion of the well; and

D. an applicant for a permit to operate a well in a spacing or proration unit containing an existing well or wells operated by another operator shall also comply with Subsection B of 19.15.15.12 NMAC.

The Commission’s reasons are:

1. The Commission voted to adopt the Division’s proposal as stated in OCD Exhibit 1-0008.
2. Both the Division and Petitioner’s proposed changes included a new subsection C with a “certification” provision. The new certification is necessary to ensure that operators cannot get a permit if they do not comply. Petitioner’s FOF #51.
3. Petitioner’s proposed change to include “undisclosed chemicals” was not adopted because this term was not adopted in the definitions section. OCC Tr. 73:16-20.
4. Petitioner’s proposed change to include “downhole operations” was not adopted because this term was not adopted in the definitions section.

19.15.14.10 “Approval or Denial of a Permit to Drill, Deepen or Plug Back”

The Commission voted to refuse to adopt the proposed rule change.

The Commission voted to adopt the Division’s proposal.

The adopted language reads:

“A. The director or the director’s designee may deny a permit to drill, deepen or plug back if the applicant is not in compliance with 19.15.14.9 NMAC and Subsection A of 19.15.5.9 NMAC.”

The Commission’s reasons are:

1. The Commission voted to adopt the Division’s proposal as stated in OCD Exhibit 1-0008.
2. The Division’s proposed change included a citation to the “Applications” section, which is needed to clarify the enforcement process. OCC Tr. 78:18-25.
3. Petitioner’s proposed addition to include “nondomestic waste” and “produced water” in this subsection were not supported by substantial evidence in the record. NMOGA’s FOF #106-107; OCC Tr. 83:1-6.
4. Petitioner’s proposed addition of “nondomestic waste” and “produced water” was not adopted because these terms present complex topics beyond the scope of this particular subsection. OCC Tr. 83:11-14.

19.15.16.17 “Shooting and Chemical Treatment of Wells”

The Commission voted to adopt the Petitioner’s proposal in part and refused it in part.

The adopted language reads:

19.15.16.17 “Completion Operations, Shooting and Chemical Treatment of Wells”

A.If completing, shooting, fracturing or treating a well injures has the potential to negatively impact the producing formation, injection interval, communicates with other strata, casing and casing seat or may create underground waste or contaminate fresh water, the operator shall within five working days notify the division in writing the division and proceed with diligence to use the appropriate method and means for rectifying the loss of containment or any damage.

(1) diligence shall include but is not limited to verifying casing integrity and isolation of strata. This can include pressure testing in accordance with 19.15.25 NMAC, performing casing integrity logs, cement bond logs and any other means determined necessary by the operator or required by the division.

(2) If damage from the shooting, fracturing or treating of a well has the potential to impact surface or groundwater, then the operator will disclose to the Division all additives used in the applicable fluid stream including trade secret additives as necessary to identify all potential contaminants. If trade secret chemical information is received by the Division, the Division will hold that information confidential as required by 1978 NMSA 14-2-1. Based on the chemicals identified by the operator and the Division the operator will test for all identified potentially harmful chemicals and will use a third party, verified laboratory to conduct any appropriate testing necessary to verify any potential impact. The testing may also include but is not limited to PFAS, chemicals listed in 20.6.2 NMAC and chemicals listed in 19.15.29.11.A(5)(e) NMAC. The division may require more robust sampling than what is proposed by the operator if deemed necessary due to the nature of the potential chemicals.

(3) If it is deemed there is an impact to surface or groundwater the operator shall report the impact as a major release in accordance with 19.15.29 NMAC and respond accordingly.

B. If completing, shooting, fracturing or chemical treating results in the well’s irreparable injury the division may require the operator to properly plug and abandon the well and take any necessary actions to mitigate any results impacts.

The Commission’s reasons are:

1. The existing language was a two sentence paragraph and the proposal breaks it into several new subsections.

2. The Commission voted to adopt Petitioner's proposal in subsections (A)(1), (A)(3) and (B) with the typographical correction as the proposal listed subsection (B) as subsection (D).
3. The Commission voted to adopt the Division's proposal in subsections (A), (A)(2) as stated in OCD Exhibit 1-0009 to -11 with the typographical correction for the word "appropriate" in the seventh line of (A)(2).
4. The proposal is protective of public health and the environment because it provides increased enforcement abilities for the Division.
5. The proposal provides testing provisions in the event that a loss of well integrity threatens freshwater resources. Petitioner's FOF #54.
6. Using an accredited laboratory ensures the accuracy and reliability of testing results. Petitioner's FOF #55.
7. NMOGA's proposed language in Exhibit A.11-A.12 was a late addition and did not allow parties sufficient time to evaluate it. OCC Tr. 100:10-13; 119:14-20.

19.15.16.19 “Log, Completion and Workover Reports”

The Commission voted to adopt the Petitioner’s proposal in part and refused it in part.

The adopted language reads:

D. On or before [DATE], an operator shall provide the FracFocus disclosure to the following persons and entities unless the person or entity opts out of the notification:

- (1) All owners of a private water well that are within five thousand two hundred and eighty feet of the well site;
- (2) The State Land Office if the state owns minerals that are being developed at the well site;
- (3) The federal bureau of land management if the United States owns the minerals that are being developed at the well site;
- (4) To any tribe if the minerals being developed at the well site are within the boundary of that tribe’s reservation and are subject to the jurisdiction of the division;
- (5) Police departments, fire departments, emergency service agencies, and first responders that have a jurisdiction that includes the well site;
- (6) Local governments that have a jurisdiction within five thousand two hundred and eighty feet of the well site;
- (7) The administrator of any public water system that operates (a) A surface water public water system intake that is located fifteen stream miles or less from the well site; (b) A groundwater source under the direct influence of a surface water public water system supply well within five thousand two hundred and eighty feet of the well site and (c) A public water system supply well completed within five thousand two hundred and eighty feet of the well site.

E. The FracFocus disclosure must be disclosed to the above parties via certified mail within thirty days of being filed with FracFocus.

The Commission’s reasons are:

1. Petitioner’s proposed change to refer to “chemical disclosure list” was not adopted because this term was not adopted in the definitions section. It will be replaced with “FracFocus disclosure” terminology. OCC Tr. 143:11-16. This replacement of terms eliminates the need to adopt Petitioner’s proposals for subsections (B)(1) and (F).

2. Operators already disclose the constituents in their fracking and completion fluids in FracFocus under 19.15.16.19B NMAC. NMOGA FOF #43.
3. It is important to provide information to the public. Petitioner's Post-Hearing Closing Brief, p. 27, citing to Brown, Petitioner's Exhibit 57 at 7:18-21; OCC Tr. 134:5-14; 150:5-9.
4. Public accessibility to chemical disclosures increases trust in regulators. Petitioner's Post-Hearing Closing Brief, p. 41, citing to Brown, Tr. 11/12/2024, 257:21-24, 258:1-5.
5. The persons and entities have the option to opt out if the information is more than they want to review. OCC Tr. 132:13-17.
6. Petitioner's proposed change to refer to exterior boundary was simplified as the term "exterior" is redundant of the term "boundary." OCC Tr. 139:6-14.

19.15.25.14 “Demonstrating Mechanical Integrity”

The Commission voted to adopt the Petitioner’s proposal in part and refused it in part.

The adopted language reads:

- A. An operator may use the following methods of demonstrating internal casing integrity for casing repairs and wells to be placed in approved temporary abandonment.

The Commission’s reasons are:

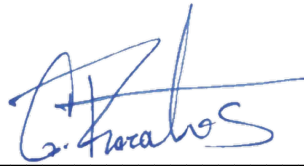
1. The Commission voted to adopt the NMOGA’s proposal as stated in Exhibit A.16.
2. The proposed change regarding “casing repairs” reflects the process change in how mechanical integrity tests can be used for subsequent repairs. Petitioner’s FOF #61.
3. There may not be a standard term for “casing investigations.” NMOGA FOF # 151; OCC Tr. 152: 6-12.
4. The term “casing integrity” together with the term “casing investigations” may cause confusion. NMOGA FOF #153; OCC Tr. 152:16-20.

CONCLUSION

The Commission is authorized to adopt regulations pursuant to the New Mexico Oil and Gas Act, NMSA 1978, Sections 70-2-11 and -12. Based on the enumerated findings and reasons stated above and pursuant to this authority, this Order is ADOPTED:

IT IS SO ORDERED.

DATED: 6/03/2025

A handwritten signature in blue ink, appearing to read "G. Razatos", is written over a horizontal line.

Gerasimos Razatos, Chairman
New Mexico Oil Conservation Commission

NMAC

Transmittal Form

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2025 JUL 16 AM 9:16

Volume: Issue: Publication date: Number of pages: (ALD Use Only) Sequence No. C

Issuing agency name and address:

Agency DFA code:

Contact person's name:

Phone number:

E-mail address:

Type of rule action:

(ALD Use) Recent filing date:

New ☐ Amendment ☒ Repeal ☐ Emergency ☐ Renumber ☐

Title number:

Title name:

Chapter number:

Chapter name:

Part number:

Part name:

Amendment description (If filing an amendment):

Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference?

Please list attachments or Internet sites if applicable.

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If materials are attached, has copyright permission been received?

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No ☐

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Specific statutory or other authority authorizing rulemaking:

Notice date(s):

Hearing date(s):

Rule adoption date:

Rule effective date:

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

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2025 JUL 16 AM 9:17

Please see attached document entitled PFAS Rule Making Order and Reasons for the Action Taken (18 pages total).

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Albert Chang

Check if authority has been delegated

☐

Title:

Oil Conservation Commission Chair

Signature: (BLACK ink only OR Digital Signature)

Digitally signed by

Albert Chang

Date: 2025.07.15

13:00:58 -06'00'

Date signed:

07/15/2025

2025 JUL 16 AM 9:17

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

**IN THE MATTER OF PROPOSED AMENDMENTS
TO THE COMMISSION'S RULES TO ADDRESS
CHEMICAL DISCLOSURE AND THE USE OF
PERFLUOROALKYL AND POLYFLUOROALKYL
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Order No. R-23824**

WILDEARTH GUARDIANS,

PETITIONER

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2025 JUL 16 AM 9:20

This is a short-form amendment to 19.15.2 NMAC, Section 7, effective 07/29/2025.

Short form amendment explanatory statement. Subsections A through O, and Q through W, were not shown as no changes were made to those subsections.

19.15.2.7 DEFINITIONS:

P. Definitions beginning with the letter "P".

(1) "Penalized unit" means a proration unit to which, because of an excessive gas-oil ratio, the division assigns an allowable that is less than top proration unit allowable for the pool in which it is located and also less than the ability of the well or wells on the unit to produce.

(2) "Person" means an individual or entity including partnerships, corporations, associations, responsible business or association agents or officers, the state or a political subdivision of the state or an agency, department or instrumentality of the United States and of its officers, agents or employees.

(3) "PFAS chemicals" means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

(4) "Pit" means a surface or sub-surface impoundment, man-made or natural depression or diked area on the surface. Excluded from this definition are berms constructed around tanks or other facilities solely for safety, secondary containment and storm water or run-on control.

(5) "Playa lake" means a level or nearly level area that occupies the lowest part of a completely closed basin and that is covered with water at irregular intervals, forming a temporary lake.

(6) "Pool" means an underground reservoir containing a common accumulation of oil or gas. Each zone of a general structure, which zone is completely separated from other zones in the structure, is covered by the word pool as used in 19.15.2 NMAC through 19.15.39 NMAC. "Pool" is synonymous with "common source of supply" and with "common reservoir".

(7) "Potential" means a well's properly determined capacity to produce oil or gas under division-prescribed conditions.

(8) "Ppm" means parts per million by volume.

(9) "PQL" means practical quantitation limit.

(10) "Pressure maintenance" means the injection of gas or other fluid into a reservoir, either to maintain the reservoir's existing pressure or to retard the reservoir pressure's natural decline.

(11) "Produced water" means a fluid that is an incidental byproduct from drilling for or the production of oil and gas.

(12) "Producer" means the owner of a well or wells capable of producing oil or gas or both in paying quantities.

(13) "Product" means a commodity or thing made or manufactured from oil or gas, and derivatives of oil or gas, including refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, treated crude oil, fuel oil, residuum, gas oil, naphtha, distillate, gasoline, kerosene, benzene, wash oil, lubricating oil and blends or mixtures of oil or gas or a derivative thereof.

(14) "Proration day" consists of 24 consecutive hours that begin at 7:00 a.m. and end at 7:00 a.m. on the following day.

(15) "Proration month" means the calendar month that begins at 7:00 a.m. on the first day of the month and ends at 7:00 a.m. on the first day of the next succeeding month.

(16) "Proration period" means for oil the proration month and for gas the 12-month period that begins at 7:00 a.m. on January 1 of each year and ends at 7:00 a.m. on January 1 of the succeeding year or other period designated by general or special order of the division.

(17) "Proration schedule" means the division orders authorizing the production, purchase and transportation of oil, casinghead gas and gas from the various units of oil or of gas in allocated pools.

(18) "Proration unit" means the area in a pool that can be effectively and efficiently drained by one well as determined by the division or commission (see Subsection B of Section 70-2-17 NMSA 1978) as well as the area assigned to an individual well for the purposes of allocating allowable production pursuant to a prorationing order for the pool.

(19) "Prospective spacing unit" means a hypothetical spacing unit that does not yet have a producing well.

~~[(19)]~~ (20)
~~[(20)]~~ (21)

“PVC” means poly vinyl chloride.
“Psi” means pounds per square inch.

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2025 JUL 16 AM 9:20

[19.15.2.7 NMAC - Rp, 19.15.1.7 NMAC, 12/1/2008; A, 3/31/2015; A, 6/30/2016; A, 6/26/2018; A, 1/15/2019; A, 10/13/2020; A, 8/23/2022; A, 7/29/2025]

NMAC

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Volume: Issue: Publication date: Number of pages: (ALD Use Only) Sequence No. c

Issuing agency name and address:

Agency DFA code:

Contact person's name:

Phone number:

E-mail address:

Type of rule action:

(ALD Use) Recent filing date:

New ☐ Amendment ☒ Repeal ☐ Emergency ☐ Renumber ☐

Title number:

Title name:

Chapter number:

Chapter name:

Part number:

Part name:

Amendment description (If filing an amendment):

Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference?

Please list attachments or Internet sites if applicable.

Yes ☐ No ☒

If materials are attached, has copyright permission been received?

Yes

No

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☐

Specific statutory or other authority authorizing rulemaking:

Notice date(s):

Hearing date(s):

Rule adoption date:

Rule effective date:

Concise Explanatory Statement For Rulemaking Adoption:

EXHIBIT B
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Findings required for rulemaking adoption:

2025 JUL 16 AM 9:23

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

Please see attached document entitled PFAS Rule Making Order and Reasons for the Action Taken (18 pages total).

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Check if authority has been delegated

Albert C.S. Chang

☐

Title:

Oil Conservation Commission Chair

Signature: (BLACK ink only OR Digital Signature)

Date signed:

Digitally signed by
Albert Chang
Date: 2025.07.15
13:04:32 -06'00'

07/15/2025

2025 JUL 16 AM 9:23

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

**IN THE MATTER OF PROPOSED AMENDMENTS
TO THE COMMISSION'S RULES TO ADDRESS
CHEMICAL DISCLOSURE AND THE USE OF
PERFLUOROALKYL AND POLYFLUOROALKYL
SUBSTANCES AND IN OIL AND GAS EXTRACTION,
19.15.2, 19.15.7, 19.15.14, 19.15.16 AND 19.15.25 NMAC**

**Case No. 23580
Order No. R-23824**

WILDEARTH GUARDIANS,

PETITIONER

**PFAS RULE MAKING ORDER
and REASONS FOR THE ACTION TAKEN**

This matter comes before the New Mexico Oil Conservation Commission ("Commission" or "OCC") upon a Petition filed on May 25, 2023, and an Amended Petition filed on August 23, 2024, by WildEarth Guardians ("Petitioner") for changes to 19.15.2, 19.15.7, 19.15.14, 19.15.16 and 19.15.25 NMAC. Public hearings were held November 12 through November 15, 2024. Petitioner provided a final set of proposed rules in its Proposed Statement of Reasons on February 19, 2025. Public deliberations were held on March 11, 2025. The Commission, having reviewed the submittals, testimony, evidence, the Hearing Officer's Report and the Proposed Findings of Fact and Conclusions of Law hereby issues, as provided for in 19.15.3.12 NMAC and 19.15.3.13.C NMAC, the following ORDER and REASONS FOR THE ACTION TAKEN. The Commission has the authority to adopt, refuse to adopt or adopt the proposed rule change in part pursuant to 19.15.3.13C NMAC. The Commission's actions are the following:

2025 JUL 16 AM 9:25

This is an amendment to 19.15.7 NMAC, Section 16, effective 07/29/2025.

19.15.7.16 WELL COMPLETION OR RECOMPLETION REPORT AND LOG (Form C-105):

A. Within 45 days following the completion or recompletion of a well, the operator shall file form C-105 with the division accompanied by a summary of special tests conducted on the well, including drill stem tests. In addition, the operator shall file a certification that no PFAS chemicals were added to the fluid used in the completion or recompletion of the well, a copy of electrical and radio-activity logs run on the well with form C-105. If the division does not receive form C-105 with attached certification, logs and summaries within the specified 45-day period, the division shall withhold the allowable authorizations for the well or suspend injection authority, as appropriate, until the operator has complied with 19.15.7.16 NMAC.

B. In the case of a dry hole, a complete record of the well on form C-105, or if applicable form C-103, with the attachments listed in Subsection A of 19.15.7.16 NMAC shall accompany the notice of intention to plug the well, unless previously filed. The division shall not approve the plugging report or release the bond the operator has complied with 19.15.7.16 NMAC.

C. The division shall not keep form C-105, or if applicable form C-103, and accompanying attachments confidential unless the well's owner requests in writing that the division keep it confidential. Upon such request, the division shall keep these data confidential for 90 days from the date of the well's completion, provided, however, that the report, logs and other attached data may, when pertinent, be introduced in a public hearing before division examiners, the commission or in a court of law, regardless of the request that they be kept confidential.

D. If there is a change in the information provided under this part, the operator must submit the change to the division within 30 days after the date the operator first knew of the change.

[19.15.7.16 NMAC - Rp, 19.15.13.1105 NMAC, 12/1/2008; A, 9/26/2017; A, 8/23/2022; 7/29/2025]

NMAC

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Volume: Issue: Publication date: Number of pages: (ALD Use Only) Sequence No. ²¹ ₂₁₅ ^{22 of 44}

Issuing agency name and address:

Energy, Minerals, Natural Resources Department

Agency DFA code:

521

Contact person's name:

Sheila Apodaca

Phone number:

(505) 699-2358

E-mail address:

sheila.apodaca@emnd.nm.gov

Type of rule action:

New ☐ Amendment ☒ Repeal ☐ Emergency ☐ Renumber ☐

(ALD Use) Recent filing date:

9-16-2005

Title number:

19

Title name:

NATURAL RESOURCES AND WILDLIFE

Chapter number: Chapter name:

15

OIL AND GAS

Part number:

14

Part name:

DRILLING PERMITS

Amendment description (If filing an amendment):

Amendment to two sections

Amendment's NMAC citation (If filing an amendment):

19.15.14.9 and 19.15.14.10 NMAC

Are there any materials incorporated by reference?

Yes ☐ No ☒

Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received?

Yes ☐

No ☐

Public domain ☐

Specific statutory or other authority authorizing rulemaking:

Sections 70-2-11, 70-2-12, and 70-2-12.2 70-2.25 NMSA 1978; 14-4-5 1978, NMSA

Notice date(s):

10/08/2024

Hearing date(s):

11/12-15/2024

Rule adoption date:

07/15/2025

Rule effective date:

07/29/2025

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

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STATE REPLY CENTER

2025 JUL 16 AM 9:26

Please see attached document entitled PFAS Rule Making Order and Reasons for the Action Taken (18 pages total).

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Albert C.S. Chang

Check if authority has been delegated

☐

Title:

Oil Conservation Commission Chair

Signature: (BLACK ink only OR Digital Signature)

Digitally signed by

Albert Chang

Date: 2025.07.15

13:07:02 -06'00'

Date signed:

07/15/2025

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

**IN THE MATTER OF PROPOSED AMENDMENTS
TO THE COMMISSION'S RULES TO ADDRESS
CHEMICAL DISCLOSURE AND THE USE OF
PERFLUOROALKYL AND POLYFLUOROALKYL
SUBSTANCES AND IN OIL AND GAS EXTRACTION,
19.15.2, 19.15.7, 19.15.14, 19.15.16 AND 19.15.25 NMAC**

**Case No. 23580
Order No. R-23824**

WILDEARTH GUARDIANS,

PETITIONER

**PFAS RULE MAKING ORDER
and REASONS FOR THE ACTION TAKEN**

This matter comes before the New Mexico Oil Conservation Commission ("Commission" or "OCC") upon a Petition filed on May 25, 2023, and an Amended Petition filed on August 23, 2024, by WildEarth Guardians ("Petitioner") for changes to 19.15.2, 19.15.7, 19.15.14, 19.15.16 and 19.15.25 NMAC. Public hearings were held November 12 through November 15, 2024. Petitioner provided a final set of proposed rules in its Proposed Statement of Reasons on February 19, 2025. Public deliberations were held on March 11, 2025. The Commission, having reviewed the submittals, testimony, evidence, the Hearing Officer's Report and the Proposed Findings of Fact and Conclusions of Law hereby issues, as provided for in 19.15.3.12 NMAC and 19.15.3.13.C NMAC, the following ORDER and REASONS FOR THE ACTION TAKEN. The Commission has the authority to adopt, refuse to adopt or adopt the proposed rule change in part pursuant to 19.15.3.13C NMAC. The Commission's actions are the following:

2025 JUL 16 AM 9:28

This is an amendment to 19.15.14 NMAC, Section 9 and 10, effective 07/29/2025.

19.15.14.9 APPLICATIONS: An operator shall file a complete form C-101 and complete form C-102 with the division and meet the following requirements, if applicable:

A. an applicant for a permit to drill a well within the corporate limits of a city, town or village shall give notice to the duly constituted governing body of the city, town or village or its duly authorized agent and certify on form C-101 that it gave such notice;

B. an applicant for a permit to drill in a quarter-quarter section containing an existing well or wells operated by another operator shall concurrently file a plat or other acceptable document locating and identifying the well or wells, furnish a copy of the application to the other operator or operators in the quarter-quarter section and certify on form C-101 that it furnished the copies; and

C. an applicant for a permit to drill, deepen or plug back shall certify that they will not introduce any additives that contain PFAS chemicals in the completion or recompletion of the well; and

~~[C.]~~ **D.** an applicant for a permit to operate a well in a spacing or proration unit containing an existing well or wells operated by another operator shall also comply with Subsection B of 19.15.15.12 NMAC.
[19.15.14.9 NMAC - Rp, 19.15.3.102 NMAC and 19.15.13.1101 NMAC, 12/1/2008; A, 7/29/2025]

19.15.14.10 APPROVAL OR DENIAL OF A PERMIT TO DRILL, DEEPEN OR PLUG BACK:

A. The director or the director's designee may deny a permit to drill, deepen or plug back if the applicant is not in compliance with 19.15.14.9 NMAC and Subsection A of 19.15.5.9 NMAC. In determining whether to grant or deny the permit, the director or the director's designee shall consider such factors as whether the non-compliance with Subsection A of 19.15.5.9 NMAC is caused by the operator not meeting the financial assurance requirements of 19.15.8 NMAC, being subject to a division or commission order finding the operator to be in violation of an order requiring corrective action, having a penalty assessment that has been unpaid for more than 70 days since the issuance of the order assessing the penalty or having more than the allowed number of wells out of compliance with 19.15.25.8 NMAC. If the non-compliance is caused by the operator having more than the allowed number of wells not in compliance with 19.15.25.8 NMAC, the director or director's designee shall consider the number of wells not in compliance, the length of time the wells have been out of compliance and the operator's efforts to bring the wells into compliance.

B. The division may impose conditions on an approved permit to drill, deepen or plug back.

C. If the division denies the permit it shall return the form C-101 to the applicant with the cause for rejection stated.

[19.15.14.10 NMAC - Rp, 19.15.3.102 NMAC and 19.15.13.1101 NMAC, 12/1/2008; A, 7/29/2025]

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2025 JUL 16 AM 9:29

Volume: Issue: Publication date: Number of pages: (ALD Use Only) Sequence No. C

Issuing agency name and address:

Agency DFA code:

Contact person's name:

Phone number:

E-mail address:

Type of rule action:

(ALD Use) Recent filing date:

New ☐ Amendment ☒ Repeal ☐ Emergency ☐ Renumber ☐

Title number:

Title name:

Chapter number:

Chapter name:

Part number:

Part name:

Amendment description (If filing an amendment):

Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference?

Please list attachments or Internet sites if applicable.

Yes ☐ No ☒

If materials are attached, has copyright permission been received?

Yes ☐No ☐Public domain ☐**Specific statutory or other authority authorizing rulemaking:**

Notice date(s):

Hearing date(s):

Rule adoption date:

Rule effective date:

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

Please see attached document entitled PFAS Rule Making Order and Reasons for the Action Taken (18 pages total).

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Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Albert Chang

Check if authority has been delegated

☐

Title:

Oil Conservation Commission Chair

Signature: (BLACK ink only OR Digital Signature)

Digitally signed by

Albert Chang

Date: 2025.07.15

13:07:59 -06'00'

Date signed:

07/15/2025

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STATE OF NEW MEXICO 2025 JUL 16 AM 9:29
DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES
OIL CONSERVATION COMMISSION

IN THE MATTER OF PROPOSED AMENDMENTS
TO THE COMMISSION'S RULES TO ADDRESS
CHEMICAL DISCLOSURE AND THE USE OF
PERFLUOROALKYL AND POLYFLUOROALKYL
SUBSTANCES AND IN OIL AND GAS EXTRACTION,
19.15.2, 19.15.7, 19.15.14, 19.15.16 AND 19.15.25 NMAC

Case No. 23580
Order No. R-23824

WILDEARTH GUARDIANS,

PETITIONER

PFAS RULE MAKING ORDER
and REASONS FOR THE ACTION TAKEN

This matter comes before the New Mexico Oil Conservation Commission ("Commission" or "OCC") upon a Petition filed on May 25, 2023, and an Amended Petition filed on August 23, 2024, by WildEarth Guardians ("Petitioner") for changes to 19.15.2, 19.15.7, 19.15.14, 19.15.16 and 19.15.25 NMAC. Public hearings were held November 12 through November 15, 2024. Petitioner provided a final set of proposed rules in its Proposed Statement of Reasons on February 19, 2025. Public deliberations were held on March 11, 2025. The Commission, having reviewed the submittals, testimony, evidence, the Hearing Officer's Report and the Proposed Findings of Fact and Conclusions of Law hereby issues, as provided for in 19.15.3.12 NMAC and 19.15.3.13.C NMAC, the following ORDER and REASONS FOR THE ACTION TAKEN. The Commission has the authority to adopt, refuse to adopt or adopt the proposed rule change in part pursuant to 19.15.3.13C NMAC. The Commission's actions are the following:

2025 JUL 16 AM 9:30

This is an amendment to 19.15.16 NMAC, Sections 17 and 19, effective 07/29/2025.

19.15.16.17 COMPLETION OPERATIONS, SHOOTING AND CHEMICAL TREATMENT OF WELLS:

A. If completing, shooting, fracturing or treating a well ~~[injures]~~ has the potential to negatively impact the producing formation, injection interval, communicates with other strata, casing and casing seat or may create underground waste or contaminate fresh water, the operator shall within five working days notify the division in writing ~~[the division]~~ and proceed with diligence to use the appropriate method and means for rectifying the loss of containment or any damage.

(1) Diligence shall include but is not limited to verifying casing integrity and isolation of strata. This can include pressure testing in accordance with 19.15.25 NMAC, performing casing integrity logs, cement bond logs and any other means determined necessary by the operator or required by the division.

(2) If damage from the shooting, fracturing or treating of a well has the potential to impact surface or groundwater, then the operator will disclose to the division all additives used in the applicable fluid stream including trade secret additives as necessary to identify all potential contaminants. If trade secret chemical information is received by the division, the division will hold that information confidential as required by Section 14-2-1 NMSA 1978. Based on the chemicals identified by the operator and the division the operator will test for all identified potentially harmful chemicals and will use a third party, verified laboratory to conduct any appropriate testing necessary to verify any potential impact. The testing may also include but is not limited to PFAS, chemicals listed in 20.6.2 NMAC and chemicals listed in Subparagraph (e) of Paragraph (5) of Subsection A of 19.15.29.11 NMAC. The division may require more robust sampling than what is proposed by the operator if deemed necessary due to the nature of the potential chemicals.

(3) If it is deemed there is an impact to surface or groundwater the operator shall report the impact as a major release in accordance with 19.15.29 NMAC and respond accordingly.

B. If completing, shooting, fracturing or chemical treating results in the well's irreparable injury the division may require the operator to properly plug and abandon the well and take any necessary actions to mitigate any results impacts.

[19.15.16.17 NMAC - Rp, 19.15.3.115 NMAC, 12/1/2008; 19.15.16.17 NMAC - Rn, 19.15.16.16 NMAC, 2/15/2012; A, 7/29/2025]

19.15.16.19 LOG, COMPLETION AND WORKOVER REPORTS:

A. Completion report. Within 45 days after the completion of a well drilled for oil or gas, or the recompletion of a well into a different common source of supply, the operator shall file a completion report with the division on form C-105. For the purpose of 19.15.16.19 NMAC, a hole drilled or cored below fresh water or that penetrates oil- or gas-bearing formations or that an owner drills is presumed to be a well drilled for oil or gas. The operator shall signify on form C-105, or alternatively on form C-103, whether the well has been hydraulically fractured.

B. Hydraulic fracture disclosure. For a hydraulically fractured well, the operator shall also complete and file with the FracFocus chemical disclosure registry a completed hydraulic fracturing disclosure within 45 days after completion, recompletion or other hydraulic fracturing treatment of the well. The hydraulic fracturing disclosure shall be completed on a then current edition of the hydraulic fluid product component information form published by FracFocus and shall include complete and correct responses disclosing all information called for by the FracFocus form, provided that:

(1) the division does not require the reporting of information beyond the material safety data sheet data as described in 29 C.F.R. 1910.1200;

(2) the division does not require the reporting or disclosure of proprietary, trade secret or confidential business information; and

(3) the division shall download and archive New Mexico FracFocus submissions on a quarterly basis.

C. If the FracFocus chemical disclosure registry is temporarily inoperable, the operator of a well on which hydraulic fracturing treatment(s) were performed shall file the information required by the then most recent FracFocus form with the division along with Well Completion Report (form C-105) or Sundry Notice (form C-103) reporting the hydraulic fracture treatment and file the information on the FracFocus internet website when the website is again operable. If the FracFocus chemical disclosure registry is discontinued or becomes permanently inoperable, the operator shall continue filing the information with the division until otherwise provided by rule or order.

2025 JUL 16 AM 9:30

D. On or before [DATE], an operator shall provide the FracFocus disclosure to the following persons and entities unless the person or entity opts out of the notification:

- (1) all owners of a private water well that are within 5280 feet of the well site;
- (2) the state land office if the state owns minerals that are being developed at the well site;
- (3) the federal bureau of land management if the United States owns the minerals that are being developed at the well site;
- (4) to any tribe if the minerals being developed at the well site are within the boundary of that tribe's reservation and are subject to the jurisdiction of the division;
- (5) police departments, fire departments, emergency service agencies, and first responders that have a jurisdiction that includes the well site;
- (6) local governments that have a jurisdiction within 5280 feet of the well site;
- (7) the administrator of any public water system that operates:
 - (a) A surface water public water system intake that is located 15 stream miles or less from the well site;
 - (b) a groundwater source under the direct influence of a surface water public water system supply well within 5280 feet of the well site; and
 - (c) a public water system supply well completed within 5280 feet of the well site.

E. The FracFocus disclosure must be disclosed to the above parties via certified mail within 30 days of being filed with FracFocus.

[19.15.16.19 NMAC - Rp, 19.15.13.1104 NMAC, 12/1/2008; 19.15.16.19 NMAC - Rn & A, 19.15.16.18 NMAC, 2/15/2012; A, 9/26/2017; A, 7/29/2025]

NMAC

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2025 JUL 16 AM 9:31

Volume: Issue: Publication date: Number of pages: (ALD Use Only) Sequence No. c

Issuing agency name and address:

Agency DFA code:

Contact person's name:

Phone number:

E-mail address:

Type of rule action:

(ALD Use) Recent filing date:

New ☐ Amendment ☒ Repeal ☐ Emergency ☐ Renumber ☐

Title number:

Title name:

Chapter number:

Chapter name:

Part number:

Part name:

Amendment description (If filing an amendment):

Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference?

Please list attachments or Internet sites if applicable.

Yes ☐ No ☒

If materials are attached, has copyright permission been received?

Yes

No

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Specific statutory or other authority authorizing rulemaking:

Notice date(s):

Hearing date(s):

Rule adoption date:

Rule effective date:

**Concise Explanatory Statement For
Rulemaking Adoption:****Findings required for rulemaking adoption:****Findings MUST include:**

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

Please see attached document entitled PFAS Rule Making Order and Reasons for the Action Taken (18 pages total).

Issuing authority (If delegated, authority letter must be on file with ALD):**Name:**

Albert C.S. Chang

Check if authority has been delegated☐**Title:**

Oil Conservation Commission Chair

Signature: (BLACK ink only OR Digital Signature)

Digitally signed by

Albert Chang

Date: 2025.07.15

13:09:08 -06'00'

Date signed:

07/15/2025

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

**IN THE MATTER OF PROPOSED AMENDMENTS
TO THE COMMISSION'S RULES TO ADDRESS
CHEMICAL DISCLOSURE AND THE USE OF
PERFLUOROALKYL AND POLYFLUOROALKYL
SUBSTANCES AND IN OIL AND GAS EXTRACTION,
19.15.2, 19.15.7, 19.15.14, 19.15.16 AND 19.15.25 NMAC**

**Case No. 23580
Order No. R-23824**

WILDEARTH GUARDIANS,

PETITIONER

**PFAS RULE MAKING ORDER
and REASONS FOR THE ACTION TAKEN**

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STATE RECORD CENTER

2025 JUL 16 AM 9:33

This is an amendment to 19.15.25 NMAC, Section 14, effective 07/29/2025.

19.15.25.14 DEMONSTRATING MECHANICAL INTEGRITY:

A. An operator may use the following methods of demonstrating internal casing integrity for casing repairs and wells to be placed in approved temporary abandonment.

(1) the operator may set a cast iron bridge plug within 100 feet of uppermost perforations or production casing shoe, load the casing with inert fluid and pressure test to 500 psi surface pressure with a pressure drop of not more than ten percent over a 30 minute period;

(2) the operator may run a retrievable bridge plug or packer to within 100 feet of uppermost perforations or production casing shoe, and test the well to 500 psi surface pressure for 30 minutes with a pressure drop of not greater than ten percent over a 30 minute period; or

(3) the operator may demonstrate that the well has been completed for less than five years and has not been connected to a pipeline.

B. During the testing described in Paragraphs (1) and (2) of Subsection A of 19.15.25.14 NMAC the operator shall:

(1) open all casing valves during the internal pressure tests and report a flow or pressure change occurring immediately before, during or immediately after the 30 minute pressure test;

(2) top off the casing with inert fluid prior to leaving the location;

(3) report flow during the test in Paragraph (2) of Subsection A of 19.15.25.14 NMAC to the appropriate division district office prior to completion of the temporary abandonment operations; the division may require remediation of the flow prior to approving the well's temporary abandonment.

C. An operator may use any method approved by the EPA in 40 C.F.R. section 146.8(c) to demonstrate external casing and cement integrity for wells to be placed in approved temporary abandonment.

D. The division shall not accept mechanical integrity tests or logs conducted more than 12 months prior to submittal.

E. The operator shall record mechanical integrity tests on a chart recorder with a maximum two hour clock and maximum 1000 pound spring, which has been calibrated within the six months prior to conducting the test. Witnesses to the test shall sign the chart. The operator shall submit the chart with form C-103 requesting approved temporary abandonment.

F. The division may approve other testing methods the operator proposes if the operator demonstrates that the test satisfies the requirements of Subsection B of 19.15.25.13 NMAC.

[19.15.25.14 NMAC - Rp, 19.15.4.203 NMAC, 12/1/2008; A, 7/29/2025]