

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

**IN THE MATTER OF THE APPLICATION
OF WILDEARTH GUARDIANS TO CONSIDER
THE PROPOSED AMENDMENTS TO ADDRESS
PERFLUOROALKYL AND POLYFLUOROALKYL
SUBSTANCES AND THEIR USE IN OIL AND GAS
EXTRACTION, 19.15.2, 19.15.16, 19.15.31, AND
19.15.32 NMAC**

**CASE NO. 23580
ORDER NO. R-22868**

PROCEDURAL ORDER

The public rule hearing in the above-captioned proceeding shall be held on February 26, 2024 and, if necessary, continued through March 1, 2024, beginning on 9:00 AM each day. The hearing may continue to subsequent days if necessary. The hearing will be held via a hybrid in-person/telephonic/virtual means and may be conducted by a quorum of the Oil Conservation Commission and any hearing officer appointed by the Commission. Members of the public, participants, and parties to the hearing may attend the meeting through the Webex Meeting platform using the link and/or meeting information below or as may be updated by the Hearing Clerk on or before February 1, 2024.

Pursuant to 19.15.3.8(C), in addition to the procedures found in Rule 19.15.3 NMAC, the following special rules shall apply to this rules hearing:

Webex Meeting Information

Hearing Date	Hybrid Participation Login Information
Case No. 23580 – Rulemaking Day 1	NM Oil Conservation Commission - Case No. 23580 – Rulemaking Day 1 https://nmemnrd.webex.com/nmemnrd/j.php?MTID=m8480dd4b63dd1b59b175e98b4542554e Monday, February 26, 2024 9:00 AM Meeting number: 2489 999 5527 Password: PFASHearing2024! (73274327 from video systems) Join by video system Dial 24899995527@nmemnrd.webex.com You can also dial 173.243.2.68 and enter your meeting number. Join by phone +1-408-418-9388 United States Toll

Hearing Date	Hybrid Participation Login Information
Case No. 23580 – Rulemaking Day 2	<p>Access code: 248 999 95527</p> <p>NM Oil Conservation Commission - Case No. 23580 – Rulemaking Day 2</p> <p>https://nmemnrd.webex.com/nmemnrd/j.php?MTID=mf790a9ed48c2dbe74605ce85241debee</p> <p>Tuesday, February 27, 2024 9:00 AM</p> <p>Meeting number: 2489 752 5891</p> <p>Password: PFASHearing2024! (73274327 from video systems)</p> <p>Join by video system</p> <p>Dial 24897525891@nmemnrd.webex.com</p> <p>You can also dial 173.243.2.68 and enter your meeting number.</p> <p>Join by phone</p> <p>+1-408-418-9388 United States Toll</p> <p>Access code: 248 975 25891</p>
Case No. 23580 – Rulemaking Day 3	<p>NM Oil Conservation Commission - Case No. 23580 – Rulemaking Day 3</p> <p>https://nmemnrd.webex.com/nmemnrd/j.php?MTID=m19c0ded9eee7b76f4601472fbc8c12f9</p> <p>Wednesday, February 28, 2024 9:00 AM</p> <p>Meeting number: 2498 583 1361</p> <p>Password: PFASHearing2024! (73274327 from video systems)</p> <p>Join by video system</p> <p>Dial 24985831361@nmemnrd.webex.com</p> <p>You can also dial 173.243.2.68 and enter your meeting number.</p> <p>Join by phone</p> <p>+1-408-418-9388 United States Toll</p> <p>Access code: 249 858 31361</p>
Case No. 23580 – Rulemaking Day 4	<p>NM Oil Conservation Commission - Case No. 23580 – Rulemaking Day 4</p> <p>https://nmemnrd.webex.com/nmemnrd/j.php?MTID=m19c0ded9eee7b76f4601472fbc8c12f9</p> <p>Thursday, February 29, 2024 9:00 AM</p> <p>Meeting number: 2498 583 1361</p> <p>Password: PFASHearing2024! (73274327 from video systems)</p> <p>Join by video system</p> <p>Dial 24985831361@nmemnrd.webex.com</p> <p>You can also dial 173.243.2.68 and enter your meeting number.</p> <p>Join by phone</p> <p>+1-408-418-9388 United States Toll</p>

Hearing Date	Hybrid Participation Login Information
	Access code: 249 858 31361
Case No. 23580 – Rulemaking Day 5	NM Oil Conservation Commission - Case No. 23580 – Rulemaking Day 5 https://nmemnrd.webex.com/nmemnrd/j.php?MTID=m6aa07bdfad8b71e38c566bb52776e546 Friday, March 1, 2024 9:00 AM Meeting number: 2488 419 1007 Password: PFASHearing2024! (73274327 from video systems) Join by video system Dial 24884191007@nmemnrd.webex.com You can also dial 173.243.2.68 and enter your meeting number. Join by phone +1-408-418-9388 United States Toll Access code: 248 841 91007

In-person Meeting Information

Location: Pecos Hall,
Energy, Minerals & Natural Resources Department
1st Floor Wendell Chino Building
1220 S. St. Francis Ave.
Santa Fe, NM 87505

1. Motion Hearing prior to Rulemaking Hearing

- a) All Party Motions shall be submitted for consideration by the Commission on or before 5:00 PM February 12, 2024.
- b) Responses shall be submitted on or before 5:00 PM February 19, 2024.
- c) No Replies are permitted.
- d) Timely-filed Motions shall be heard by the Commission or a hearing officer appointed by the Commission on February 21, 2024 from 8:00 AM until 12:00 PM.
- e) The Commission reserves the right to decide non-dispositive Motions without a hearing.

2. Technical Testimony

- a) All technical testimony shall be presented to the Commission and any appointed Hearing Officer in writing. A prehearing statement, any proposed modifications, exhibits and direct written witness testimony shall be filed with the Commission and served on all parties of record no later than 5:00 PM on January 29, 2024.
- b) Filing may be accomplished by first class mail to the Commission Clerk, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or electronic mail to OCC.Hearings@emnrd.nm.gov.
- c) Any person who presents technical testimony in writing shall attend the hearing and 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.

d) Pursuant to Rule 19.15.3.11(B)(3), technical rebuttal testimony may be permitted upon a finding by the Commission that the proffered testimony is offered solely for purposes of rebuttal.

e) Cross-examination of witnesses shall be conducted immediately following their direct examination.

3. Oral Non-Technical Testimony

a) 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.

b) Any person that wishes to present oral non-technical testimony to the Commission shall notify the Commission Clerk, by first class or electronic mail at 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or OCC.Hearings@emnrd.nm.gov no later than 5:00 PM on February 12, 2024.

c) In order to ensure that all participants are able to participate in the hearing, notifications to the Commission Clerk shall include at least a name and telephone number of the person intending to present non-technical testimony.

d) Any exhibits that will be offered in conjunction with non-technical testimony must be sent via electronic mail to the Commission Clerk at the above email address no later than 5:00 p.m. on February 12, 2024.

e) 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.

4. Written Comment Period

a) The formal written comment period will be between November 6, 2023, and March 1, 2024 by 5:00 p.m.

b) Any person may submit written or electronic comments on the proposed rule no later than 5:00 p.m. on March 1, 2024, unless extended by the Commission or the Chair of the Commission, by first class or electronic mail to the Commission Clerk, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or OCC.Hearings@emnrd.nm.gov.

5. Public Comment at Hearing

a) The public comment period at the Rulemaking Hearing is established as follows:

i. February 26, 2024 is reserved in full for public comment. If after an initial period of public comment is held, it appears that there are no further members of the public wishing to provide public comment on February 26, the Commission will commence the hearing at its discretion.

ii. On each subsequent day of the hearing through the last day of the hearing, starting February 27, 2024, the public may comment between 8:30 AM until 9:00 AM and between 4:30 PM and 5 PM.

1. In addition, any person may submit written or electronic comments on the proposed rule no later than 5:00 PM on March 1, 2024, unless extended by the Commission or the Chair of the Commission, by first class or electronic mail to the Commission Clerk, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, OCC.Hearings@emnr.dnm.gov.

6. Additional Matters

a) The Commission may consider allowing post-hearing briefing by interested parties at or near the completion of the hearing if the Commission believes it would be helpful in making a decision. If the Commission elects to permit post-hearing briefing by interested parties, the Commission will direct the interested parties as to issues and topics to be briefed and set forth briefing deadlines.

IT IS SO ORDERED.

DONE at Santa Fe, New Mexico, on this 14th day of December, 2023.

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**


DYLAN FUGE, CHAIR (Acting)