

**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-B**

AMENDED PROCEDURAL ORDER

The public rule hearing in the above-captioned proceeding shall be held on November 12, 2024 and, if necessary, continued through November 15, 2024, beginning at 8:30 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 Felicia Orth, the hearing officer appointed by the Commission. Members of the public, participants, and parties to the hearing may attend the meeting through the Microsoft Teams Meeting platform using the link and/or meeting information below, which login information may be updated or changed by the Hearing Clerk as necessary on or before October 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:

Microsoft Teams Meeting Information

November 12, 2024 – November 15, 2024

OCC - (Day 1) Perfluoroalkyl and Polyfluoroalkyl Substances Rulemaking

Meeting number: 266 932 579 58

Password: cGzkrG

Join by phone

United States Toll Access code: [+1 505-312-4308, 812829678#](tel:+15053124308)

In-person Meeting Information

Location:

Pecos Hall Hearing Room

Energy, Minerals & Natural Resources Department

First Floor, Wendell Chino Building

1220 South St. Francis Drive

Santa Fe, NM 87505

1. Revised Petition

- a) Any petition to substantially revise the content of the petition currently before the Commission shall be submitted on or before August 23, 2024.
- b) The Commission shall retain discretion to consider any amendments or revisions proposed during the course of the proceedings or any proposals made by parties not currently entered in appearance.

2. Motion Hearing prior to Rulemaking Hearing

- a) All Party Motions shall be submitted for consideration by the Commission on or before 5:00 PM October 28, 2024.
- b) Responses shall be submitted on or before 5:00 PM November 4, 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 November 6, 2024 from 8:00 AM until 12:00 PM.
- e) The Commission reserves the right to decide non-dispositive Motions without a hearing.

3. 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 October 21, 2024.
- b) Filing may be accomplished by first class mail to the Commission Clerk, Sheila Apodaca, 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.

4. 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, Sheila Apodaca by first class or electronic mail at 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or Sheila.Apodaca@emnrn.d.nm.gov no later than 5:00 PM on October 29, 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, Sheila Apodaca at the above email address no later than 5:00 p.m. on October 21, 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.

5. Written Comment Period

- a) The formal written comment period will be between November 6, 2023, and November 15, 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 November 15, 2024, unless extended by the Commission or the Chair of the Commission, by first class or electronic mail to the Commission Clerk, Sheila Apodaca, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or Sheila.Apodaca@emnrn.d.nm.gov or OCC.Hearings@emnrn.d.nm.gov.

6. Public Comment at Hearing

- a) The public comment period at the Rulemaking Hearing is established as follows:
 - November 12, 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 November 12, the Commission will commence the hearing at its discretion.
 - i. On each subsequent day of the hearing through the last day of the hearing, starting November 13, 2024, the public may comment between 8:30 AM until 9:00 AM and between 4:30 PM and 5:00 PM.
 - ii. In addition, any person may submit written or electronic comments on the proposed rule no later than 5:00 PM on November 15, 2024, unless extended by the Commission or the Chair of the Commission, by first class or electronic mail to the Commission Clerk, Sheila Apodaca, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or Sheila.Apodaca@emnrn.d.nm.gov or OCC.Hearings@emnrn.d.nm.gov.

7. 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 3rd day of June, 2024.

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**


DYLAN M. FUGE, CHAIR