

## NOTICE OF PUBLIC HEARING FOR PROPOSED RULEMAKING

The State of New Mexico through the Oil Conservation Commission (OCC) hereby gives notice that the OCC will hold a public hearing to consider amendments to the rules that regulate the venting and flaring of natural gas from natural gas gathering and processing facilities. The public hearing will be held on-line and by telephone on December 2, 2021, at 9:00 a.m., and will be continued to the following day(s) if not completed.

**Purpose of Proposed Rules.** The proposed amendments correct an inaccurate lost natural gas calculation, correct an internal citation, and clarify a provision's application to gathering systems.

**Summary of Proposed Rules.** The Oil Conservation Division (OCD) proposes to amend two sections of 19.15.28 NMAC rule, which establishes requirements for operators of natural gas gathering systems, including gathering pipelines, to report and reduce the venting and flaring of natural gas, 19.15.28.8(F)(3) NMAC and 19.15.28.10(B) NMAC.

**Legal Authority.** The proposed amendments are authorized by the Oil and Gas Act, Sections 70-2-1 through 70-2-38 NMSA 1978, including Section 70-2-6 (authorizing the OCC 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 OCC to make rules to prevent waste, protect correlative rights, and to do whatever may be reasonably necessary to implement the statute), and Section 70-2-12 (enumerating the powers of the OCC and OCD). The public hearing is governed by the OCC's rule on rulemaking proceedings, 19.15.3 NMAC.

**Availability of Proposed Rules.** The full text of the proposed rules is available on the OCD's website, [emnr.dnm.gov/ocd](http://emnr.dnm.gov/ocd), or by contacting the OCC Clerk, Florene Davidson at [florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us).

**Written Comments.** Any person may submit written comments on the proposed amendments no later than December 2, 2021, at 9:00 a.m., unless extended by the OCC, by mail, email, or delivery to the OCC Clerk, Florene Davidson, 3<sup>rd</sup> Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, or [florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us).

**Public Hearing.** The public hearing will be held online and by telephone on December 2, 2021, at 9:00 a.m., and will be continued to the following day(s) if not completed. The public hearing will be transcribed and recorded. To access the public hearing on-line via the Webex platform and by telephone:

Online access code: [xxx xxx xxx]  
Online password: [xxxxxxxxxxxxx]  
Telephone: [xxx-xxx-xxxx.]

**Proposed Modifications, Technical Testimony, and Cross Examination.** A person who intends to propose a modification to the proposed rules, to present technical testimony at the public hearing, or to cross-examine witnesses at the public hearing must file six copies of a Pre-Hearing Statement conforming to the requirements of 19.15.3.11(B) NMAC, no later than November 16, 2021, at 5:00 p.m. The Pre-Hearing Statement must be filed by mail, email, or delivery to the OCC Clerk, Florene Davidson, 3<sup>rd</sup> Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, [florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us). A person filing a Pre-Hearing Statement who intends to use projection equipment must contact the OCC Clerk no later than seven business days prior to the public hearing. A person who presents technical testimony at the public hearing will be subject to cross-examination by the members of the OCC, the OCC's counsel, and other persons who filed Pre-Hearing Statements.

**Oral Comments.** A person who did not file a Pre-Hearing Statement may present non-technical testimony or make an unsworn statement at the public hearing. A person who wants to present non-technical testimony or make an unsworn statement at the public hearing must inform the hearing examiner. A person who presents non-technical testimony will be subject to cross-examination by the members of the OCC, the OCC's counsel, and other persons who filed Pre-Hearing Statements. A person may offer exhibits at the public hearing if the exhibits are relevant to the proposed rules and the person files the original exhibit and five copies conforming to the requirements of 19.15.3.12(C) NMAC prior the end of the public hearing. A person may file exhibits by mail, email, or delivery to

the OCC Clerk, Florene Davidson, 3<sup>rd</sup> Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, [florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us).

**Persons with Disabilities.** A person with a disability who needs a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service, such as a summary or other accessible form of document, in order to attend or participate in the public hearing, must contact the OCC Clerk, Florene Davidson, at (505) 476-3458 or [florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us), or through the New Mexico Relay Network at 1-800-659-1779, no later than November 16, 2021.

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