

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

**IN THE MATTER OF PROPOSED  
AMENDMENTS TO 19.15.2, 19.15.5,  
19.15.8, 19.15.9, AND 19.15.25 NMAC**

**CASE NO. 24683**

**APPLICANTS' NOTICE OF FILING AMENDED PROPOSED NOTICE OF HEARING**

Applicants Western Environmental Law Center, et al., hereby file a Notice of Filing Amended Proposed Notice of Hearing. To account for Oil Conservation Division hearings coming up before the Oil Conservation Commission and the upcoming legislative session during which the Commission generally does not meet, Applicants propose a new hearing date of April 7, 2024, and have revised the dates for filing pre-hearing statements with direct testimony and exhibits and rebuttal testimony and exhibits, and related dates, accordingly. Applicants also make other minor non-substantive clarifying changes. Attached are a redline of the Notice of Hearing showing the changes to the notice, and a clean copy of the amended Proposed Notice of Hearing, which is Applicants' Amended Exhibit 2.

Respectfully submitted,

/s/Allyson A. Beasley  
Allyson Beasley, Staff Attorney  
Kyle Tisdell, Managing Attorney  
Morgan O'Grady, Staff Attorney  
Tannis Fox, Senior Attorney  
Western Environmental Law Center  
409 East Palace Avenue, #2  
Santa Fe, New Mexico 87501  
[beasley@westernlaw.org](mailto:beasley@westernlaw.org)  
[tisdell@westernlaw.org](mailto:tisdell@westernlaw.org)  
[ogrady@westernlaw.org](mailto:ogrady@westernlaw.org)  
[fox@westernlaw.org](mailto:fox@westernlaw.org)

*Attorneys for Applicants Western  
Environmental Law Center, Citizens Caring  
for the Future, Conservation Voters New*

*Mexico Education Fund, Diné C.A.R.E.,  
Earthworks, Naeva, New Mexico Interfaith  
Power and Light, San Juan Citizens  
Alliance, and Sierra Club*

**Certificate of Service**

I certify that on August 12, 2024, I served a copy of the foregoing pleading to the following via electronic mail:

Michael H. Feldewert  
Adam G. Rankin  
Paula M. Vance  
P.O. Box 2208  
Santa Fe, New Mexico 87504  
[mfeldewert@hollandhart.com](mailto:mfeldewert@hollandhart.com)  
[agrarkin@hollandhart.com](mailto:agrarkin@hollandhart.com)  
[pmvance@hollandhart.com](mailto:pmvance@hollandhart.com)

*Attorneys for OXY USA Inc.*

Christy Treviño  
Jesse Tremaine  
Chris Moander  
Assistant General Counsels  
New Mexico Energy, Minerals, and  
Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505  
[Christy.Trevino@emnrd.nm.gov](mailto:Christy.Trevino@emnrd.nm.gov)  
[jessek.tremaine@emnrd.nm.gov](mailto:jessek.tremaine@emnrd.nm.gov)  
[chris.moander@emnrd.nm.gov](mailto:chris.moander@emnrd.nm.gov)

*Attorneys for New Mexico Oil  
Conservation Division*

Andrew J. Cloutier  
Hinkle Shanor LLP  
P.O. Box 10  
Roswell, New Mexico 88202-0010  
[acloutier@hinklelawfirm.com](mailto:acloutier@hinklelawfirm.com)

*Attorney for Independent Petroleum  
Association of New Mexico*

Miguel A. Suazo  
James Martin  
James Parrot  
Kaitlyn A. Luck  
Beatty and Wozniak, P.C.  
500 Don Gaspar Avenue  
Santa Fe, New Mexico 87505  
[msuazo@bwenergyllaw.com](mailto:msuazo@bwenergyllaw.com)  
[jmartin@bwenergyllaw.com](mailto:jmartin@bwenergyllaw.com)  
[jparrot@bwenergyllaw.com](mailto:jparrot@bwenergyllaw.com)  
[kluck@bwenergyllaw.com](mailto:kluck@bwenergyllaw.com)

*Attorneys for New Mexico Oil and  
Gas Association*

Sheila Apodaca  
New Mexico Energy, Minerals, and  
Natural Resources Department  
Wendell Chino Building  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505  
[occ.hearings@emnrd.nm.gov](mailto:occ.hearings@emnrd.nm.gov)

*Oil Conservation Commission Clerk*

/s/Allyson A. Beasley  
Allyson A. Beasley

APPLICANTS'  
AMENDED  
EXHIBIT 2  
REDLINE

**AMENDED EXHIBIT B**  
**[PROPOSED] NOTICE OF PUBLIC HEARING**

The New Mexico Oil Conservation Commission (Commission) hereby gives notice that the Commission will hold a public hearing to consider proposed amendments to Commission rules at 19.15.2, -5, -8, -9, and -25 NMAC. Western Environmental Law Center, Citizens Concerned for the Future, Conservation Voters New Mexico Education Fund, Diné C.A.R.E., Earthworks, Naeva, New Mexico Interfaith Power and Light, San Juan Citizens Alliance, and Sierra Club propose the amendments. The public hearing will held in-person, online, and by telephone commencing April 7, 2025 ~~October 21, 2024~~ at 9:00 am and continuing each weekday thereafter as necessary.

**Purpose of Proposed Amendments.** The purpose of the proposed amendments is to require financial assurance from oil and gas operators that better reflects the actual costs to plug and abandon oil and gas wells in the state, to better protect the State of New Mexico against the risks of wells becoming orphaned, and to better ensure that wells placed in temporary abandonment will be returned to beneficial use within a reasonable period or will be plugged and abandoned.

**Summary of Proposed Amendments.** The proposed amendments would require add meeting the waste prevention requirements at 19.15.27 and -28 NMAC in order as a requirement for an operator to be in compliance at 19.15.5.9.A NMAC; modify financial assurance requirements for wells at 19.15.8 NMAC to better reflect actual well plugging and abandonment costs and risks to the state and add new categories for financial assurance based on risk; modify change of operator requirements at 19.15.9 NMAC to better protect against risks to the state; modify requirements at 19.15.25 NMAC for placing wells in approved temporary abandonment status, maintaining wells in that status, and renewing that status; and modify certain definitions at 19.15.2 NMAC to reflect the other proposed amendments.

**Legal Authority.** The proposed rule is authorized by the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38, including Section 70-2-6 (authorizing Commission to exercise jurisdiction, authority, and control over all persons, matters, and things necessary or proper to enforce the statute), Section 70-2-11 (authorizing 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 powers of Commission and Oil Conservation Division (OCD)), and Section 70-2-14 (authorizing Commission to establish categories of financial assurance). The public hearing is governed by the Commission's rule on rulemaking proceedings at 19.15.3 NMAC.

**Availability of Proposed Amendments.** The full text of the proposed amendments are available on OCD's website at <http://www.emnrd.state.nm.us/OCD/rules.html> or may be obtained from Commission Clerk Sheila Apodaca at [occ.hearings@emnrd.nm.gov](mailto:occ.hearings@emnrd.nm.gov).

**Written Comments.** Any person may submit written comments on the proposed amendments no later than 5:00 pm on April 7, 2025 ~~October 21, 2024~~, unless extended by the Commission, by mail or delivery to Sheila Apodaca, Commission Clerk, Wendell Chino Building, 1220 S. St. Francis Dr., Santa Fe, NM 87505, or by email to the Commission Clerk at [occ.hearings@emnrd.nm.gov](mailto:occ.hearings@emnrd.nm.gov).

**Public Hearing.** The public hearing will be held in-person, online, and by telephone commencing on April 7, 2025 ~~October 21, 2024~~ at 9:00 am and continuing each weekday thereafter as necessary.

The hearing will be held in Pecos Hall on the first floor in the Wendell Chino Building at the address above. For information how to participate in the hearing, please contact the Commission Clerk at [occ.hearings@emnrd.nm.gov](mailto:occ.hearings@emnrd.nm.gov) or 505-699-8358, or visit the Hearings page on OCD's website at <http://www.emnrd.state.nm.us/OCD/hearings.html>. Public comment will be accepted each day of the hearing beginning at 9:00 am and at 4:00 pm.

**Proposed Modifications, Technical Testimony, and Cross-Examination.** Any person intending to propose a modification to the proposed amendments, to present technical testimony at the hearing, or to cross-examine witnesses must file a Pre-hearing Statement conforming to the requirements of 19.15.3.11.B NMAC, except that instead of filing a concise statement of each witness's testimony as required by 19.15.3.11.B(2) NMAC, the person shall file each witness's full testimony. Full direct testimony and exhibits shall be filed no later than 5:00 pm on ~~January 31, 2025~~~~August 26, 2024~~. Full rebuttal testimony and exhibits shall be filed no later than 5:00 pm on ~~March 7, 2025~~~~September 23, 2024~~. Filing may be accomplished by mail or delivery to Sheila Apodaca, Commission Clerk, Wendell Chino Building, 1220 S. St. Francis Dr., Santa Fe, NM 87505, or by email to the Commission Clerk at [occ.hearings@emnrd.nm.gov](mailto:occ.hearings@emnrd.nm.gov). 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 filed a Pre-hearing Statement.

**Oral Comments.** Any person who did not file 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 testimony. Any person who presents sworn, 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.

**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 at [occ.hearings@emnrd.nm.gov](mailto:occ.hearings@emnrd.nm.gov) or 505-699-8358 or through the New Mexico Relay Network at 1-800-659-1779, no later than 5:00 pm on ~~April 4, 2025~~~~October 18, 2024~~.

**Technical Information.** Technical information that may be provided through Pre-hearing Statements and written technical testimony will be made publicly available on the OCD Imaging, Case File Search portal on OCD's website at <http://ocdimage.emnrd.state.nm.us/imaging/CaseFileCriteria.aspx>, and may be accessed by searching for Case File No. ~~24683-~~

APPLICANTS'  
AMENDED  
EXHIBIT 2

**AMENDED EXHIBIT B**  
**[PROPOSED] NOTICE OF PUBLIC HEARING**

The New Mexico Oil Conservation Commission (Commission) hereby gives notice that the Commission will hold a public hearing to consider proposed amendments to Commission rules at 19.15.2, -5, -8, -9, and -25 NMAC. Western Environmental Law Center, Citizens Concerned for the Future, Conservation Voters New Mexico Education Fund, Diné C.A.R.E., Earthworks, Naeva, New Mexico Interfaith Power and Light, San Juan Citizens Alliance, and Sierra Club propose the amendments. The public hearing will held in-person, online, and by telephone commencing April 7, 2025 at 9:00 am and continuing each weekday thereafter as necessary.

**Purpose of Proposed Amendments.** The purpose of the proposed amendments is to require financial assurance from oil and gas operators that better reflects the actual costs to plug and abandon oil and gas wells in the state, to better protect the State of New Mexico against the risks of wells becoming orphaned, and to better ensure that wells placed in temporary abandonment will be returned to beneficial use within a reasonable period or will be plugged and abandoned.

**Summary of Proposed Amendments.** The proposed amendments would require meeting the waste prevention requirements at 19.15.27 and -28 NMAC in order for an operator to be in compliance at 19.15.5.9.A NMAC; modify financial assurance requirements for wells at 19.15.8 NMAC to better reflect actual well plugging and abandonment costs and risks to the state and add new categories for financial assurance based on risk; modify change of operator requirements at 19.15.9 NMAC to better protect against risks to the state; modify requirements at 19.15.25 NMAC for placing wells in approved temporary abandonment status, maintaining wells in that status, and renewing that status; and modify certain definitions at 19.15.2 NMAC to reflect the other proposed amendments.

**Legal Authority.** The proposed rule is authorized by the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38, including Section 70-2-6 (authorizing Commission to exercise jurisdiction, authority, and control over all persons, matters, and things necessary or proper to enforce the statute), Section 70-2-11 (authorizing 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 powers of Commission and Oil Conservation Division (OCD)), and Section 70-2-14 (authorizing Commission to establish categories of financial assurance). The public hearing is governed by the Commission's rule on rulemaking proceedings at 19.15.3 NMAC.

**Availability of Proposed Amendments.** The full text of the proposed amendments are available on OCD's website at <http://www.emnrd.state.nm.us/OCD/rules.html> or may be obtained from Commission Clerk Sheila Apodaca at [occ.hearings@emnrd.nm.gov](mailto:occ.hearings@emnrd.nm.gov).

**Written Comments.** Any person may submit written comments on the proposed amendments no later than 5:00 pm on April 7, 2025, unless extended by the Commission, by mail or delivery to Sheila Apodaca, Commission Clerk, Wendell Chino Building, 1220 S. St. Francis Dr., Santa Fe, NM 87505, or by email to the Commission Clerk at [occ.hearings@emnrd.nm.gov](mailto:occ.hearings@emnrd.nm.gov).

**Public Hearing.** The public hearing will be held in-person, online, and by telephone commencing on April 7, 2025 at 9:00 am and continuing each weekday thereafter as necessary. The hearing will be held in Pecos Hall on the first floor in the Wendell Chino Building at the address above. For

information how to participate in the hearing, please contact the Commission Clerk at [occ.hearings@emnrd.nm.gov](mailto:occ.hearings@emnrd.nm.gov) or 505-699-8358, or visit the Hearings page on OCD's website at <http://www.emnrd.state.nm.us/OCD/hearings.html>. Public comment will be accepted each day of the hearing beginning at 9:00 am and at 4:00 pm.

**Proposed Modifications, Technical Testimony, and Cross-Examination.** Any person intending to propose a modification to the proposed amendments, to present technical testimony at the hearing, or to cross-examine witnesses must file a Pre-hearing Statement conforming to the requirements of 19.15.3.11.B NMAC, except that instead of filing a concise statement of each witness's testimony as required by 19.15.3.11.B(2) NMAC, the person shall file each witness's full testimony. Full direct testimony and exhibits shall be filed no later than 5:00 pm on January 31, 2025. Full rebuttal testimony and exhibits shall be filed no later than 5:00 pm on March 7, 2025. Filing may be accomplished by mail or delivery to Sheila Apodaca, Commission Clerk, Wendell Chino Building, 1220 S. St. Francis Dr., Santa Fe, NM 87505, or by email to the Commission Clerk at [occ.hearings@emnrd.nm.gov](mailto:occ.hearings@emnrd.nm.gov). 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 filed a Pre-hearing Statement.

**Oral Comments.** Any person who did not file 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 testimony. Any person who presents sworn, 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.

**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 at [occ.hearings@emnrd.nm.gov](mailto:occ.hearings@emnrd.nm.gov) or 505-699-8358 or through the New Mexico Relay Network at 1-800-659-1779, no later than 5:00 pm on April 4, 2025.

**Technical Information.** Technical information that may be provided through Pre-hearing Statements and written technical testimony will be made publicly available on the OCD Imaging, Case File Search portal on OCD's website at <http://ocdimage.emnrd.state.nm.us/imaging/CaseFileCriteria.aspx>, and may be accessed by searching for Case File No. 24683.