

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

IN THE MATTER OF PROPOSED  
AMENDMENT TO THE COMMISSION'S  
RULES 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

MOTION TO AMEND CAPTION

WildEarth Guardians (“Guardians”) moves for the amendment of the caption in this matter and submits the following as grounds:

1. On May 25, 2023, Guardians submitted its Application for Rulemaking in this matter with the following caption:

IN THE MATTER OF PROPOSED  
AMENDMENT TO THE COMMISSION'S  
RULES 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

2. This caption listed the sections of the New Mexico Administrative Code for which the Application for Rulemaking requested amendments.
3. The New Mexico Oil Conservation Commission (“Commission”) entered a December 14, 2023 Procedural Order setting this matter for a hearing starting on February 16 through March 1, 2024.
4. On January 19, 2024 the New Mexico Oil Conservation Division (“Division”) filed an unopposed motion to vacate those hearing dates which the Commission granted by a January 31, 2024 Order.
5. On June 3, 2024, the Commission entered an Amended Procedural Order setting the hearing in this matter for November 12-15.
6. The Commission's June 3, 2024 order included an August 23, 2024 deadline for “Any petition to substantially revise the content of the petition currently before the Commission.”
7. On August 23, 2024 Guardians filed its Amended Application for Rulemaking, which seeks to amend some of the sections of the New Mexico Administrative Code that were addressed in its original Application for Rulemaking, while also seeking to amend sections that were not addressed in the original Application.

8. Specifically, the original application addressed 19.15.2, 19.15.16 NMAC, and requested new sections 19.15.31, and 19.15.32 NMAC to be added to Title 19, Chapter 15, while the Amended Application for Rulemaking seeks to amend 19.15.2, 19.15.7, 19.15.14, and 19.15.16, and 19.16.25 NMAC.
9. Additionally, chemical disclosure was an issue in the original Application for Rulemaking and is also an issue in the Amended Application for Rulemaking.
10. Prior to filing this motion, Guardians sought the positions of the parties who responded as follows:
  - a. New Energy Economy supports this Motion.
  - b. NMOGA takes no position.
  - c. No other party responded.

THEREFORE, Guardians respectfully requests that the Commission amend the caption in this matter to add a reference to chemical disclosure and to reflect the changes requested in Guardians' August 23, 2024 Amended Application for Rulemaking to read:

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

Respectfully submitted September 26, 2024  
by:

/s/ Tim Davis

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion was e-mailed to the following on September 26, 2024:

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