

~~(13)~~**(15)** “**Contiguous**” means acreage joined by more than one common point, that is, the common boundary is at least one side of a governmental quarter-quarter section.

~~(14)~~**(16)** “**Conventional completion**” means a well completion in which the production string of casing has an outside diameter exceeding 2.875 inches.

~~(15)~~**(17)** “**Conventional multiple completion**” means a completion in which two or more common sources of supply are produced through one or more strings of tubing installed within a single casing string, with the production from each common source of supply completely segregated by means of packers.

~~(16)~~**(18)** “**Correlative rights**” means the opportunity afforded, as far as it is practicable to do so, to the owner of each property in a pool to produce without waste the owner’s just and equitable share of the oil or gas in the pool, being an amount, so far as can be practically determined, and so far as can be practicably obtained without waste, substantially in the proportion that the quantity of recoverable oil or gas under the property bears to the total recoverable oil or gas in the pool, and for the purpose to use the owner’s just and equitable share of the reservoir energy.

~~(17)~~**(19)** “**Cubic feet of gas or cubic foot of gas**” means that volume of gas contained in one cubic foot of space and computed at a base pressure of 10 ounces per square inch above the average barometric pressure of 14.4 psi (15.025 psi absolute), at a standard base temperature of 60 degrees fahrenheit.

P. Definitions beginning with the letter “P”.

(3) “PFAS chemicals” means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

~~(3)~~**(4)** “**Pit**” means a surface or sub-surface impoundment, man-made or natural depression or diked area on the surface. Excluded from this definition are berms constructed around tanks or other facilities solely for safety, secondary containment and storm water or run-on control.

~~(4)~~**(5)** “**Playa lake**” means a level or nearly level area that occupies the lowest part of a completely closed basin and that is covered with water at irregular intervals, forming a temporary lake.

~~(5)~~**(6)** “**Pool**” means an underground reservoir containing a common accumulation of oil or gas. Each zone of a general structure, which zone is completely separated from other zones in the structure, is covered by the word pool as used in 19.15.2 NMAC through 19.15.39 NMAC. “Pool” is synonymous with “common source of supply” and with “common reservoir”.

~~(6)~~**(7)** “**Potential**” means a well’s properly determined capacity to produce oil or gas under division-prescribed conditions.

~~(7)~~**(8)** “**Ppm**” means parts per million by volume.

~~(8)~~**(9)** “**PQL**” means practical quantitation limit.

~~(9)~~(10) **“Pressure maintenance”** means the injection of gas or other fluid into a reservoir, either to maintain the reservoir’s existing pressure or to retard the reservoir pressure’s natural decline.

~~(10)~~(11) **“Produced water”** means a fluid that is an incidental byproduct from drilling for or the production of oil and gas.

~~(11)~~(12) **“Producer”** means the owner of a well or wells capable of producing oil or gas or both in paying quantities.

~~(12)~~(13) **“Product”** means a commodity or thing made or manufactured from oil or gas, and derivatives of oil or gas, including refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, treated crude oil, fuel oil, residuum, gas oil, naphtha, distillate, gasoline, kerosene, benzene, wash oil, lubricating oil and blends or mixtures of oil or gas or a derivative thereof.

~~(13)~~(14) **“Proration day”** consists of 24 consecutive hours that begin at 7:00 a.m. and end at 7:00 a.m. on the following day.

~~(14)~~(15) **“Proration month”** means the calendar month that begins at 7:00 a.m. on the first day of the month and ends at 7:00 a.m. on the first day of the next succeeding month.

~~(15)~~(16) **“Proration period”** means for oil the proration month and for gas the 12-month period that begins at 7:00 a.m. on January 1 of each year and ends at 7:00 a.m. on January 1 of the succeeding year or other period designated by general or special order of the division.

~~(16)~~(17) **“Proration schedule”** means the division orders authorizing the production, purchase and transportation of oil, casinghead gas and gas from the various units of oil or of gas in allocated pools.

~~(17)~~(18) **“Proration unit”** means the area in a pool that can be effectively and efficiently drained by one well as determined by the division or commission (see Subsection B of Section 70-2-17 NMSA 1978) as well as the area assigned to an individual well for the purposes of allocating allowable production pursuant to a prorationing order for the pool.

~~(18)~~(19) **“Prospective spacing unit”** means a hypothetical spacing unit that does not yet have a producing well.

~~(19)~~(20) **“PVC”** means poly vinyl chloride.

~~(20)~~(21) **“Psi”** means pounds per square inch.

T. Definitions beginning with the letter “T”.

~~(7)~~ **“Trade secret”** means any information meeting the definition in NMSA 1978 § 57-3A-2(D).

~~(7)~~(8) **“Treating plant”** means a plant constructed for wholly or partially or being used wholly or partially for reclaiming, treating, processing or in any manner making tank bottoms or other waste oil marketable.

~~(8)~~(9) **“Tribal lands”** means those lands for which the United States government has a trust responsibility to a native American tribe or a member

of a native American tribe. This includes reservations, pueblo land grants, tribal trust lands and individual trust allotments.

~~(9)~~**(10) “Tribal leases”** means those leases of minerals or interests in or rights to minerals for which the United States government has a trust responsibility to a native American tribe or a member of a native American tribe.

~~(10)~~**(11) “Tribal minerals”** means those minerals for which the United States government has a trust responsibility to a native American tribe or a member of a native American tribe.

~~(11)~~**(12) “True vertical depth”** means the difference in elevation between the ground level at the surface location of the well and the deepest point in the well bore.

~~(12)~~**(13) “Tubingless completion”** means a well completion in which the production string of casing has an outside diameter of 2.875 inches or less.

~~(13)~~**(14) “Tubingless multiple completion”** means completion in which two or more common sources of supply are produced through an equal number of casing strings cemented in a common well bore, each such string of casing having an outside diameter of 2.875 inches or less, with the production from each common source of supply completely segregated by cement.

U. Definitions beginning with the letter “U”.

~~(3)~~ **“(3) “Undisclosed chemicals”** means either chemicals that are listed without a Chemical Abstracts Service number in the FracFocus database pursuant to 19.15.16.19(B) NMAC, or if a safety data sheet lists ingredients that comprise less than one-hundred percent of the whole chemical product, those chemicals that make up any unlisted portion of a chemical product on a safety data sheet.

~~(3)~~**(4) “Unit of proration for gas”** consists of such multiples of 40 acres as may be prescribed by division-issued special pool orders.

~~(4)~~**(5) “Unit of proration for oil”** consists of one 40-acre tract or such multiples of 40-acre tracts as may be prescribed by division-issued special pool orders.

~~(5)~~**(6) “Unorthodox well location”** means a location that does not conform to the spacing requirements division rules establish.

~~(6)~~**(7) “Unstable area”** means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all a division-approved facility's structural components. Examples of unstable areas are areas of poor foundation conditions, areas susceptible to mass earth movements and karst terrain areas where karst topography is developed because of dissolution of limestone, dolomite or other soluble rock.

Characteristic physiographic features of karst terrain include sinkholes, sinking streams, caves, large springs and blind valleys.

~~(7)~~(8) “Upstream facility” means a facility or operation associated with the exploration, development, production or storage of oil or gas that is not a downstream facility.

PROPOSED AMENDMENTS TO PART 7

19.15.7.16 WELL COMPLETION OR RECOMPLETION REPORT AND LOG (Form C-105):

A. Within 45 days following the completion or recompletion of a well, the operator shall file form C-105 with the division accompanied by a summary of special tests conducted on the well, including drill stem tests, and the chemical disclosure list. In addition, the operator shall file a certification that no undisclosed chemicals or PFAS were used in the completion or recompletion of the well, a copy of electrical and radio-activity logs run on the well with form C-105. If the division does not receive form C-105 with attached certification, chemical disclosure list, logs and summaries within the specified 45-day period, the division shall withhold the allowable authorizations for the well or suspend injection authority, as appropriate, until the operator has complied with 19.15.7.16 NMAC.

B. In the case of a dry hole, a complete record of the well on form C-105, or if applicable form C-103, with the attachments listed in Subsection A of 19.15.7.16 NMAC shall accompany the notice of intention to plug the well, unless previously filed. The division shall not approve the plugging report or release the bond the operator has complied with 19.15.7.16 NMAC.

C. The division shall not keep form C-105, or if applicable form C-103, and accompanying attachments confidential unless the well’s owner requests in writing that the division keep it confidential. Upon such request, the division shall keep these data confidential for 90 days from the date of the well’s completion, provided, however, that the report, logs and other attached data shall may, when pertinent, be introduced in a public hearing before division examiners, the commission or in a court of law, regardless of the request that they be kept confidential.

D. If there is a change in the information provided under this part, the operator must submit the change to the division within 30 days after the date the operator first knew of the change.

E. The division shall retain each form C-105 and form C-103 indefinitely.

[19.15.7.16 NMAC - Rp, 19.15.13.1105 NMAC, 12/1/2008; A, 9/26/2017; A, 8/23/2022]

PROPOSED AMENDMENTS TO PART 14

19.15.14.9 APPLICATIONS: An operator shall file a complete form C-101 and complete form C-102 with the division and meet the following requirements, if applicable:

strata, casing or casing seat or may create underground waste or contaminate fresh water, the operator shall within five working days notify ~~in writing~~ the division in writing and proceed with diligence to use the appropriate method and means for rectifying the loss of containment or any damage.

(1) diligence shall include but is not limited to verifying casing integrity and isolation of strata. This can include pressure testing in accordance with 19.15.25 NMAC, performing casing integrity logs, cement bond logs and any other means determined necessary by the operator or required by the division.

(2) If damage from the shooting, fracturing or treating of a well has the potential to impact surface or groundwater, the operator will test for all chemicals disclosed in previous downhole operations and will use a third party, accredited laboratory to conduct any in appropriate testing necessary to verify any potential impact. The testing shall include all chemicals used in the well and may also include but is not limited to PFAS, chemicals listed in 20.6.2. NMAC and chemicals listed in 19.15.29.11.A.(5)(e) NMAC. The may require more robust sampling than what is proposed by the operator if deemed necessary due to the nature of the potential chemicals.

(3) If it is deemed there is an impact to surface or groundwater the operator shall report the impact as a major release in accordance with 19.15.29 NMAC and respond accordingly.

(4) If testing reveals the presence of PFAS or undisclosed chemicals, the Division may take enforcement action pursuant to 19.15.5 NMAC.

B. If completing, shooting, fracturing or chemical treating results in the well's irreparable injury the division may require the operator to properly plug and abandon the well and take any necessary actions to mitigate any resulting impacts.
[19.15.16.17 NMAC - Rp, 19.15.3.115 NMAC, 12/1/2008; 19.15.16.17 NMAC - Rn, 19.15.16.16 NMAC, 2/15/2012]

19.15.16.19 LOG, COMPLETION AND WORKOVER REPORTS

- A. Completion report.** Within 45 days after the completion of a well drilled for oil or gas, or the recompletion of a well into a different common source or supply, the operator shall file a completion report with the division on form C-105. For the purpose of 19.15.16.19, a hole drilled or cored below fresh water that penetrates oil- or gas-bearing formations or that an owner drills is presumed to be a well drilled for oil or gas. The operator shall signify on form C-105, or alternatively on form C-103, whether the well has been hydraulically fractured.
- B. Hydraulic fracture disclosure.** For a hydraulically fractured well, the operator shall also complete and file with the FracFocus chemical disclosure registry a completed hydraulic fracturing disclosure within 45 days after completion, recompletion, or other hydraulic fracturing treatment of the well. The hydraulic fracturing disclosure shall be completed on a then current edition of the hydraulic fluid product component information form published by FracFocus and shall include complete and correct responses disclosing all information called for by the FracFocus form, provided that:

~~(1) the division does not require the reporting of information beyond the material safety data sheet data as described in 29 C.F.R. 1910.1200;~~

- ~~(2)~~ (1) the division does not require the reporting or disclosure of proprietary, trade secret or confidential business information; and
 - ~~(3)~~ (2) the division shall download and archive New Mexico FracFocus submissions on a quarterly basis.
- C. If the FracFocus chemical disclosure registry is temporarily inoperable, the operator of a well on which hydraulic fracturing treatment(s) were performed shall file the information required by the then most recent FracFocus form with the division along with Well Completion Report (form C-105) or Sundry Notice (form C-103) reporting the hydraulic fracture treatment and file the information on the FracFocus internet website when the website is again operable. If the FracFocus chemical disclosure registry is discontinued or becomes permanently inoperable, the operator shall continue filing the information with the division until otherwise provided by rule or order.
- D. On or before [DATE], an operator shall provide the chemical disclosure list to the following persons and entities unless the person or entity opts out of the notification:
- (1) All owners of a private water well that are within five thousand two hundred and eighty feet of the well site;
 - (2) The State Land Office if the state owns minerals that are being developed at the well site;
 - (3) The federal bureau of land management if the United States owns the minerals that are being developed at the well site;
 - (4) To any tribe if the minerals being developed at the well site are within the exterior boundary of that tribe’s reservation and are subject to the jurisdiction of the division;
 - (5) Police departments, fire departments, emergency service agencies, and first responder agencies that have a jurisdiction that includes the well site;
 - (6) Local governments that have a jurisdiction within five thousand two hundred and eighty feet of the well site;
 - (7) The administrator of any public water system that operates:
 - (a) A surface water public water system intake that is located fifteen stream miles or less downstream from the well site;
 - (b) A groundwater source under the direct influence of a surface water public water system supply well within five thousand two hundred and eighty feet of the well site; and
 - (c) A public water system supply well completed within five thousand two hundred and eighty feet of the well site; and
- E. The chemical disclosure list must be disclosed to the above parties within thirty days after the operator’s chemical disclosure to the division.
- F. Chemical disclosure lists shall be made conspicuously available on the Energy, Minerals and Natural Resources Department’s website.

PROPOSED AMENDMENTS TO PART 25

19.15.25.14 DEMONSTRATING MECHANICAL INTEGRITY:

A. An operator may use the following methods of demonstrating internal casing integrity for casing investigations, casing repairs and wells to be placed in approved temporary abandonment:

- (1) the operator may set a cast iron bridge plug within 100 feet of uppermost perforations or production casing shoe, load the casing with inert fluid and pressure test to 500 psi surface pressure with a pressure drop of not more than 10 percent over a 30 minute period;
- (2) the operator may run a retrievable bridge plug or packer to within 100 feet of uppermost perforations or production casing shoe, and test the well to 500 psi surface pressure for 30 minutes with a pressure drop of not greater than 10 percent over a 30 minute period; or
- (3) the operator may demonstrate that the well has been completed for less than five years and has not been connected to a pipeline.

B. During the testing described in Paragraphs (1) and (2) of Subsection A of 19.15.25.14 NMAC the operator shall:

- (1) open all casing valves during the internal pressure tests and report a flow or pressure change occurring immediately before, during or immediately after the 30 minute pressure test;
- (2) top off the casing with inert fluid prior to leaving the location;
- (3) report flow during the test in Paragraph (2) of Subsection A of 19.15.25.14 NMAC to the appropriate division district office prior to completion of the temporary abandonment operations; the division may require remediation of the flow prior to approving the well's temporary abandonment.

C. An operator may use any method approved by the EPA in 40 C.F.R. section 146.8(c) to demonstrate external casing and cement integrity for wells to be placed in approved temporary abandonment.

D. The division shall not accept mechanical integrity tests or logs conducted more than 12 months prior to submittal.

E. The operator shall record mechanical integrity tests on a chart recorder with a maximum two hour clock and maximum 1000 pound spring, which has been calibrated within the six months prior to conducting the test. Witnesses to the test shall sign the chart. The operator shall submit the chart with form C-103 requesting approved temporary abandonment.

F. The division may approve other testing methods the operator proposes if the operator demonstrates that the test satisfies the requirements of Subsection B of 19.15.25.13 NMAC.

[19.15.25.14 NMAC - Rp, 19.15.4.203 NMAC, 12/1/2008]