

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

**APPLICATION OF THE NEW MEXICO OIL
CONSERVATION DIVISION TO AMEND
19.15.5 NMAC; STATEWIDE.**

CASE NO. 20895

NMOGA's PRE-HEARING STATEMENT

This Pre-Hearing Statement is submitted on behalf of the New Mexico Oil and Gas Association ("NMOGA"), through undersigned counsel, as required by NMAC 19.15.3.11.B.

NMOGA's PROPOSED MODIFICATIONS

NMOGA's members have reviewed the changes proposed by the Division under its Application filed in this matter. NMOGA submits the modifications in redline/strikeout format that are highlighted in yellow on NMOGA Exhibit A attached hereto (entitled "NMOGA's Proposed Modifications.") The reasons for NMOGA's modifications are:

1. NMOGA's modifications to proposed **19.15.5.10.C(1)(d)**, the first sentence of **19.15.5.10.D**, and subparts **19.15.5.10.E(2)(b)** and **(d)** are necessary to conform with Section 70-2-31 of the Oil and Gas Act. Section 70-2-31(B) states the purpose of a notice of violation ("NOV") is to identify the nature of the violation, provide a time frame for compliance, provide notice of an informal review process, and to provide notice of "potential sanctions" if the violation is not cured. Section 70-2-31(C) provides that sanctions and civil penalties are not addressed until a formal hearing where an Examiner first determines whether the violation should be upheld and then determines "whether any sanction, including civil penalties, shall be assessed." Section 70-2-13(D) further notes that penalties assessed by the division or commission "after hearing" cannot exceed \$200,000. The statute does not authorize the

imposition of sanctions by a NOV or where the NOV is cured. Rather, the NOV is the process by which “potential” sanctions are identified in the event the NOV is not timely cured or is upheld following a hearing.

2. NMOGA’s modification to the second sentence of subpart **19.15.5.10.D** clarifies that the imposition of daily penalties cannot extend any earlier than the date the that the Division demonstrates that the respondent was aware or should have been aware of the violation issued pursuant to 70-2-31(B). This is necessary to conform with Section 70-2-31 and due process.

3. NMOGA’s modification to the second sentence of subpart **19.15.5.10.E(2)(a)** ensures that the respondent has sufficient information about the violation and the proposed sanction to file an Answer under subpart E(2)(b).

4. NMOGA’s modifications to the last sentence of **19.15.5.10.E(2)(c)** ensure that the Hearing Officer chosen by the division is not involved in and prejudiced by informal efforts to resolve the NOV prior to the request for a hearing.

5. NMOGA’s modification to the first sentence of **19.15.5.10.E(2)(e)** conform with the normal 7-day time frame provided for the filing of prehearings statements in all other Division and Commission hearings. The proposed 15-days period prior to the hearing is too early to have exhibits prepared and witnesses identified.

6. NMOGA’s modifications to **19.15.5.10.E(2)(e)(ii)** conforms with the adjudicatory and rulemaking provisions, as well as the standard practice in all other Division and Commission hearings. Requiring a “full narrative” of each witness’s testimony prior to hearing will increase the legal costs and is unnecessary since each witness will be examined orally at the Examiner hearing [see proposed 19.15.5.10.E(3)(b)] and each party has a de novo appeal right to the Commission.

7. Changing “may” to “shall” in **19.15.5.10.E(4)(b)** is necessary to conform with Section 70-2-13 of the Oil and Gas Act and to ensure that the director has enough information to render a decision following hearing.

8. Removal of the third sentence in **19.15.5.10.F** is necessary because there is no authority in Section 70-2-13 of the Oil and Gas Act for the Commission on de novo review to have the matter heard by only a single Commissioner or by a second hearing examiner. There are also no proposed provisions addressing how this second examiner hearing would be conducted or fit within the de novo review by the full Commission.

9. NMOGA has proposed the insertion of **19.15.5.10.G (Rehearings)** to bring the proceedings within Section 70-2-25(B) of the Oil and Gas Act, which provides for an appeal to district court under Section 39-3-1.1 for any “party of record to the rehearing proceeding....” Without a rehearing proceeding, the Oil and Gas Act does not contain the specific statutory reference required by Section 39-3-1.1(A) to proceed to district court.

10. NMOGA’s modifications to proposed **19.15.5.10.G (Payment of civil penalty)** are necessary to address an appeal to district court. Payment of a civil penalty before a final order by an appellate court is not warranted and will require the Division to account separately for penalties paid under an appeal from those that are not subject to an appeal. Currently, there are no provisions for a suspense account or other means to address penalties paid but required to be refunded by an appellate court.

NMOGA'S PROPOSED EVIDENCE

Since NMOGA's proposed modifications are not technical in nature, NMOGA does not anticipate the need to present witnesses or evidence in support of its proposed modifications.

PROCEDURAL MATTERS

None at this time.

Respectfully submitted:

HOLLAND & HART, LLP

A handwritten signature in blue ink, appearing to read "Michael H. Feldewert", is written over a horizontal line.

Michael H. Feldewert

Adam G. Rankin

Kaitlyn A. Luck

Post Office Box 2208

Santa Fe, New Mexico 87504

(505) 988-4421

(505) 983-6043 Facsimile

ATTORNEYS FOR

THE NEW MEXICO OIL AND GAS ASSOCIATION

CERTIFICATE OF SERVICE

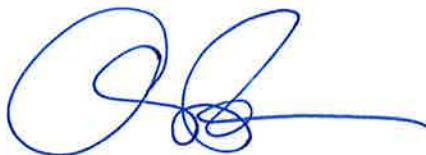
I hereby certify that on December 17, 2019, I served a copy of the foregoing document to the following counsel of record via Electronic Mail to:

Eric Ames
Assistant General Counsel
New Mexico Energy Minerals and Natural Resources Department
1220 S. St. Francis Drive
Santa Fe, New Mexico 87505
(505) 476-3463
eric.ames@state.nm.us

Attorney for New Mexico Oil Conservation Division

Larry Marker
PO Box 3188
Roswell, New Mexico 88202
larrym_gdc@hotmail.com

Attorney Pro Se



Michael H. Feldewert



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NMOGA EXHBIIT A
NMOGA's Proposed Modifications (Highlighted)

19.15.5.3 STATUTORY AUTHORITY: 19.15.5 NMAC is adopted pursuant to the Oil and Gas Act, Section 70-2-6, Section 70-2-11, [and] Section 70-2-12 and Section 70-2-31 NMSA 1978.

[19.15.5.3 NMAC – N, 12/1/2008, A, X/XX/XXXX]

19.15.5.8 ENFORCEMENT OF STATUTES AND RULES: The division is charged with the duty and obligation of enforcing the state's rules and statutes relating to the conservation of oil and gas, including the prevention of waste and the protection of correlative rights, and [including] the protection of public health and the environment. An owner or operator shall obtain information pertaining to the regulation of oil and gas before beginning operations.

[19.15.5.8 NMAC - Rp, 19.15.1.12 NMAC, 12/1/2008, A, X/XX/XXXX]

19.15.5.9 COMPLIANCE:

A. An operator is in compliance with Subsection A of 19.15.5.9 NMAC if the operator:

(1) currently meets the financial assurance requirements of 19.15.8 NMAC;

(2) is not subject to a division or commission order, issued after notice and hearing, finding the operator to be in violation of an order requiring corrective action;

(3) does not have a penalty assessment that is unpaid more than [70] 30 days after issuance of the order assessing the penalty; and

(4) has no more than the following number of wells out of compliance with 19.15.25.8 NMAC that are not subject to an agreed compliance or final order setting a schedule for bringing the wells into compliance with 19.15.25.8 NMAC and imposing sanctions if the schedule is not met:

(a) two wells or fifty percent of the wells the operator operates, whichever is less, if the operator operates 100 wells or less;

(b) five wells if the operator operates between 101 and 500 wells;

(c) seven wells if the operator operates between 501 and 1000 wells; and

(d) 10 wells if the operator operates more than 1000 wells.

~~[B. The division shall notify an operator on a monthly basis when, according to records on file with the division, a well on the inactive well list described in Subsection F of 19.15.5.9 NMAC shows no production or injection~~

for the past 12 months by making such information available on the division's website. Further, at least 60 days prior to commencing an enforcement action against an operator for a violation of 19.15.5.9 NMAC, the division shall notify the operator by first class mail to the address provided to the division pursuant to Subsection C of 19.15.9.8 NMAC.

~~_____ C. _____~~ The division shall make available on its website and update weekly the status of operators' financial assurance 19.15.8 NMAC requires, according to division records.

~~_____ D. _____~~ Orders requiring corrective action.

~~_____ (1) _____~~ The division shall make available on its website division or commission orders, issued after notice and hearing, finding an operator to be in violation of an order requiring corrective action.

~~_____ (2) _____~~ An operator who contests an order finding it to be in violation of an order requiring corrective action may appeal and may seek a stay of the order. An order that is stayed pending appeal does not affect an operator's compliance with Subsection A of 19.15.5.9 NMAC.

~~_____ (3) _____~~ An operator who completes the corrective action the order requires may file a motion with the order's issuer to declare the order satisfied. The division or commission, as applicable, may grant the motion without hearing, or may set the matter for hearing.

~~_____ E. _____~~ Penalty assessments.

~~_____ (1) _____~~ The division shall make available on its website penalty assessments assessed under the Oil and Gas Act over the last 12 months and the date the operator paid them, according to division records.

~~_____ (2) _____~~ Any order that is stayed pending appeal does not affect an operator's compliance with Subsection A of 19.15.5.9 NMAC.

~~_____ F] B. Inactive wells.~~

(1) The division shall make available on its website, and update daily, an "inactive well list" listing each well, by operator, that according to division records:

~~_____ (a) _____~~ shows no production or injection for past 15 months;
~~[(a)] (b) _____~~ does not have its well bore plugged in accordance with 19.15.25.9 NMAC through 19.15.25.11 NMAC;

~~[(b)] (c) _____~~ is not in approved temporary abandonment in accordance with 19.15.25.12 NMAC through 19.15.25.14 NMAC; and

~~[(e)] (d) _____~~ is not subject to an agreed compliance or final order setting a schedule for bringing the well into compliance with 19.15.25.8 NMAC [and imposing sanctions if the operator does not meet the schedule].

(2) [For purposes of 19.15.5.9 NMAC, the listing of a well on the division's inactive well list as a] A well inactive for more than [one year plus 90

days] 15 months creates a rebuttable presumption that the well is out of compliance with 19.15.25.8 NMAC.

C. Financial assurance. The division shall make available on its website and update weekly the status of operators' financial assurance that 19.15.8 NMAC requires, according to division records.

[19.15.5.9 NMAC - Rp, 19.15.1.40 NMAC, 12/1/2008; A, 11/30/2016, A, xx/xx/xxxx]

19.15.5.10 [COMPLIANCE PROCEEDINGS:] ENFORCEMENT:

~~[A.— The provisions in 19.15.4 NMAC applicable to adjudicatory proceedings shall apply to compliance proceedings unless altered or amended by 19.15.5.10 NMAC.~~

~~— B.— A compliance proceeding is an adjudicatory proceeding in which the division seeks an order imposing sanctions for violation of a provision of the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38 or a provision of a rule or order issued pursuant to the act. Such sanctions may include but are not limited to:~~

~~———— (1) — requiring compliance with a provision of the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38 or a provision of a rule or order issued pursuant to the act;~~

~~———— (2) — assessment of civil penalties pursuant to NMSA 1978, Section 70-2-31(A); Subsection A of Section 70-2-31 NMSA 1978;~~

~~———— (3) — corrective action including but not limited to abatement or remediation of contamination and removal of surface equipment;~~

~~———— (4) — plugging and abandonment of a well and restoration and remediation of the well location, and authority for the division to forfeit the applicable financial assurance if the well is not plugged and abandoned and the location restored and remediated;~~

~~———— (5) — denial, cancellation or suspension of a permit;~~

~~———— (6) — denial, cancellation or suspension of authorization to transport;~~
or

~~———— (7) — shutting in a well or wells.~~

~~— C.— The division initiates an administrative compliance proceeding by filing a written application with the division clerk:~~

~~———— (1) — identifying the operator and any other responsible parties against whom the order is sought, including the surety if the division seeks an order allowing forfeiture of a surety bond;~~

~~———— (2) — identifying the provision of the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38, or the provision of the rule or order issued~~

~~pursuant to the act, allegedly violated;~~

~~_____ (3) providing a general description of the facts supporting the allegations;~~

~~_____ (4) stating the sanction or sanctions sought; and~~

~~_____ (5) providing proposed legal notice.~~

~~D. The division shall provide notice of compliance proceedings as follows:~~

~~_____ (1) the division shall publish notice in accordance with 19.15.4.9 NMAC.~~

~~_____ (2) the division shall provide notice to the operator and any other responsible parties against whom the compliance order is sought by following the provisions of 19.15.4.12 NMAC.~~

~~E. The director may enter into an agreed compliance order with an entity against whom compliance is sought to resolve alleged violations of any provision of the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38 or any provision of any rule or order issued pursuant to the act. The director may enter into an agreed compliance order prior to or after the filing of an application for an administrative compliance proceeding. An agreed compliance order shall have the same force and effect as a compliance order issued after an adjudicatory hearing.~~

~~F. Nothing in 19.15.5.10 NMAC precludes the division from bringing other actions provided for in the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38, including but not limited to the following: suit for indemnification pursuant to NMSA 1978, Section 70-2-14(E) or NMSA 1978, Section 70-2-38(B); an action through the attorney general with respect to the forfeiture of illegal oil or illegal gas pursuant to NMSA 1978, Section 70-2-32; an injunction under NMSA 1978, Section 70-2-28; or collection of penalties pursuant to NMSA 1978, Section 70-2-31(A).~~

~~[19.15.5.10 NMAC -Rp, 19.15.14.1227 NMAC, 12/1/2008]~~

A. **General.** Whenever the division determines that a person violated or is violating the Oil and Gas Act or a provision of any rule, order, permit or authorization issued pursuant to the Oil and Gas Act, the division may seek a sanction by:

_____ (1) issuing a temporary cessation order if it determines that the alleged violation is causing or will cause an imminent danger to public health or safety or a significant imminent environmental harm. The temporary cessation order shall remain in place until the earlier of when the division determines that the alleged violation is abated or 30 days, unless a hearing is held before the division and a new order is issued;

_____ (2) issuing a notice of violation; or

_____ (3) commencing a civil action in district court.

B. Sanctions. The division may seek one or more of the following sanctions:

- (1) a civil penalty;
- (2) modification, suspension, cancellation or termination of a permit or authorization;
- (3) plugging and abandonment of a well;
- (4) remediation and restoration of a well location and associated facilities, including the removal of surface and subsurface equipment and other materials;
- (5) remediation and restoration of a location affected by a spill or release;
- (6) forfeiture of financial assurance;
- (7) shutting in a well or wells; and
- (8) any other remedy authorized by law.

C. Notice of violation.

- (1) A notice of violation issued by the division shall state with reasonable specificity:
 - (a) the identity of the alleged violator;
 - (b) the nature, *factual and legal basis* of the alleged violation, including the provision of the Oil and Gas Act or rule, order, permit or authorization allegedly violated;
 - (c) whether compliance is required immediately or within a specified time period;
 - (d) the sanction(s) available for the alleged violation and the sanction(s) proposed by the division *if the notice of violation is not cured*;
 - (e) the availability of a process for informal review and resolution of the alleged violation;
 - (f) a statement that if the notice of violation is not informally resolved within 30 days of service, the division will hold a hearing; and
 - (g) the date of the hearing, which shall be no later than 90 days after the date of the notice of violation.
- (2) The division shall serve the notice of violation on the alleged violator by certified mail.
- (3) If during the informal review the division and the alleged violator agree to resolve the alleged violation, they shall incorporate their agreement into a stipulated final order signed by both parties. The stipulated final order shall state that the alleged violator admits the division's jurisdiction to file the notice of violation, consents to the specified relief, including the civil penalty, if any, and waives the alleged violator's right of review by the commission.

(4) If the division and the alleged violator fail to enter a stipulated final order within 30 days of service, the division shall hold a hearing at the division's principal office.

D. Civil penalties. ~~The division shall calculate a proposed civil penalty for each alleged violation in the notice of violation. Any civil penalties assessed by the Division after hearing~~ ~~The calculation~~ shall account for the seriousness of the violation, good faith efforts to comply with the applicable requirement, history of noncompliance under the Oil and Gas Act and other relevant factors. The civil penalty assessed by the division shall ~~commence no earlier than the date that the Division demonstrates that the respondent was aware or should have been aware of the violation and shall~~ not exceed \$2,500 per day of noncompliance for each alleged violation, unless the alleged violation presents a risk either to the health or safety of the public or of causing significant environmental harm, or unless the noncompliance continues beyond the time specified in the notice of violation or stipulated final order, whereupon the civil penalty may not exceed \$10,000 per day of noncompliance for each alleged violation, provided that the civil penalty assessed by the division for an alleged violation shall not exceed \$200,000.

E. Adjudicatory procedures. These adjudicatory procedures shall apply to hearings on temporary cessation orders and notices of violation before the division, and the provisions of 19.15.4 NMAC shall not apply.

(1) General provisions.

(a) Designation of parties. The parties shall be the division and the person served with a notice of violation or order, referred to herein as "respondent".

(b) Representation. Respondent may appear and participate in a hearing either pro se or through counsel, provided that a collective entity, including a corporation, partnership, unincorporated association, political subdivision or governmental agency shall appear only through counsel or a duly authorized officer or member.

(c) Rule applicability. In the absence of a specific provision in this section, the hearing examiner may apply the New Mexico Rules of Civil Procedure and Evidence.

(d) Computation of time. In computing any period of time under 19.15.5.10 NMAC the day of the event from which the designated period begins to run shall not be included, and the last day of the computed period shall be included, unless it is a Saturday, Sunday or legal state holiday, in which case the time is extended until the next day which is not a Saturday, Sunday or legal state holiday. Whenever a party must act within a prescribed period after service, and service is by first class mail only, three days is added to the prescribed period.

(e) Extensions of time. The hearing examiner may grant an

extension of time to file a document or continue a hearing upon timely motion upon consent of the parties, or for good cause shown after consideration of prejudice to the other party and undue delay to the hearing.

(f) **Filing of documents.** A party shall file the original of each document and serve a copy on the other party, accompanied by a certificate of service identifying the method and address used to complete service.

(g) **Service of documents.** A party shall serve each document on the other party or its counsel, as applicable, by personal service or first class mail, or by electronic mail if the parties agree.

(h) **Form of documents.** Unless otherwise ordered, all documents, except exhibits, shall be on 8 1/2 x 11-inch white paper, shall contain the caption of the notice of violation or temporary cessation order on the first page and shall be signed by the party or its counsel, as applicable.

(2) **Pre-hearing procedures.**

(a) **Docketing.** At the expiration of the 30 day period for informal resolution of a notice of violation, when a party appeals a final order under Subsection E of 19.15.5.10 NMAC, or when the division gives notice that it intends to extend a temporary cessation order, the division shall docket the notice of violation or order *for hearing, identity the factual basis for the alleged violation and proposed sanctions,* and serve a notice of docketing on respondent.

(b) **Answer.** No later than 10 days after service of the notice of docketing, respondent shall file an answer stating its objection, if any, and the factual and legal basis for such objection, to each alleged violation and *proposed sanction, including each element of the assessed civil penalty,* in the notice of violation or order.

(c) **Hearing examiner.** The hearing examiner shall have the authority to take all measures necessary to conduct a fair, impartial and efficient adjudication of issues, and to maintain order and avoid undue delay, including the authority to conduct pre-hearing conferences and hearings, rule on procedural and evidentiary motions, govern the examination of witnesses and the admission of evidence, issue orders and prepare a recommended decision. *After the initiation and before the conclusion of a proceeding under this section, After the issuance of the notice of violation,* the hearing examiner shall not discuss ex parte the merits of the proceeding with the division or the respondent.

(d) **Pre-hearing conference.** The hearing examiner may hold a pre-hearing conference to narrow the issues, eliminate or resolve preliminary matters and encourage settlement, and may issue a pre-hearing order on procedural and evidentiary matters, including a schedule for the filing of motions and testimony, stipulations regarding alleged violations and requested relief, including *proposed* civil penalties or elements thereof, and any other matter

necessary for the efficient conduct of the hearing.

(e) Pre-hearing statements. No later than 15.7 calendar days before the hearing, a party who intends to present evidence at the hearing shall file and serve a statement that contains the following information:

(i) the name, address, employment and qualifications, including education and work history, of each witness;

(ii) *a statement identifying the opinions and factual assertions of each witness's testimony*~~the direct testimony in narrative form of each witness;~~

(iii) the exhibits and other evidence to be presented by each witness; and

(iv) procedural matters that are to be resolved prior to the hearing.

(f) Enforcement. The hearing examiner may enforce the requirements of 19.15.5.10 NMAC by any appropriate means, including the exclusion of testimony, exhibits and other evidence.

(g) Motions.

(i) General. All motions, except motions made orally during the hearing, shall be in writing, specify the grounds for the motion, state the relief sought, indicate whether the motion is opposed or unopposed and be served on the other party.

(ii) Unopposed motions. An unopposed motion shall state that concurrence of the other party was obtained and shall be accompanied by a proposed order approved by the parties.

(iii) Opposed motions. An opposed motion shall state either that concurrence was sought and not obtained, or the reason that concurrence was not sought.

(iv) Response. No later than 10 days after service of an opposed motion, the opposing party may file a response. Failure to file a response shall be deemed a waiver of any objection to the granting of the motion.

(v) Reply. No later than 10 days after service of a response to an opposed motion, the moving party may file a reply.

(vi) Decision. The hearing examiner shall decide all motions without a hearing, unless otherwise ordered by the hearing examiner sua sponte or upon written request of a party.

(3) Hearing procedures.

(a) General. The hearing examiner shall admit all evidence, unless he or she determines that the evidence is irrelevant, immaterial, unduly repetitious or otherwise unreliable or of little probative value. Evidence relating to settlement that would be excluded by the New Mexico Rules of Evidence is not

admissible.

(b) Witness examination. Witnesses shall be examined orally and under oath or affirmation, provided that the parties may stipulate to the admission of the testimony of a witness, or part thereof. Parties shall have the right to cross-examine a witness, provided that the hearing examiner may limit cross-examination that is unduly repetitious, harassing or beyond the scope of the direct testimony.

(c) Exhibits. A party shall label each exhibit used during the hearing or offered into evidence with a designation identifying the party, the witness using or offering the exhibit and a serial number.

(d) Burden of persuasion. The division has the burden of going forward with the evidence and of proving by a preponderance of the evidence the facts relied upon to show the alleged violation occurred and that the proposed civil penalty is appropriate. Following the establishment of a prima facie case, respondent shall have the burden of going forward with any adverse evidence or defense to the allegations.

(4) Post-hearing procedures.

(a) Transcript. The hearing shall be transcribed verbatim. Respondent may order a copy of the transcript from the reporter at its own expense.

(b) Recommended decision. The director ~~shall~~ ~~may~~ request that the hearing examiner prepare a recommended decision.

(c) Final order. The director shall file a final order addressing the material issues of fact and law and may assess a sanction for each alleged violation, which shall be served on the division and the respondent.

F. Commission review. No later than 30 days after the director serves the final order, a party may file a notice of appeal with the commission and shall serve the notice of appeal on the other party. The commission shall schedule a hearing on the appeal and notify the parties of the date and time of the hearing. ~~The commission may appoint a hearing examiner, who may be a member of the commission.~~ The commission shall conduct a de novo review, provided however, that the parties may stipulate to the issues to be heard and to the admission of all or part of the record before the division. The commission shall conduct the hearing in accordance with the adjudicatory procedures in Paragraph (1), Subparagraphs (c) through (g) of Paragraph (2). Paragraph (3) and Subparagraph (a) of Paragraph (4) of Subsection E of 19.15.5.10 NMAC,

G. Rehearings. *Within 20 days after entry of a commission order a party of record whom the order adversely affects may file with the commission clerk an application for rehearing on a matter the order determined, setting forth the respect in which the party believes the order is erroneous. The commission*

shall grant or refuse the application in whole or in part within 10 business days after the party files it, and the commission's failure to act on the application within such period shall be deemed a refusal and a final disposition of such application. In the event the commission grants the rehearing, the commission may enter a new order after rehearing as the circumstances may require.

F.G. Payment of civil penalty. No later than 30 days after the director serves the final order, respondent shall pay the full amount of the civil penalty assessed in the final order, provided however that if respondent files a notice of appeal to the commission *or a district court*, no later than 30 days after the *issuance of commission files* a final order or the appeal is withdrawn, respondent shall pay the full amount of the civil penalty assessed in the final order.

G.H. Resolution after commencement of hearing. If the parties agree to resolve a notice of violation at any time after the commencement of a hearing, they shall file a stipulated final order signed by both parties. The stipulated final order shall state that respondent admits the division's jurisdiction to file the notice of violation, consents to the specified relief, including the civil penalty, if any, and waives respondent's right of review by the commission or the court, as applicable.

H. I. Publication. On or about October 1 of each year, the division shall publish a list identifying the temporary cessation orders and notices of violation issued during the preceding year, along with the civil penalty paid, if any.

I. J. Reservation. Nothing in 19.15.5.10 NMAC precludes the division from bringing any other action and seeking any relief allowed by the Oil and Gas Act.

[19.15.5.10 NMAC - Rp, 19.15.14.1227 NMAC, 12/1/2008, A, xx/xx/xxxx]

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