

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd Leahy, JD, PhD
Deputy Cabinet Secretary

Bill Brancard, General Counsel
Office of General Counsel



May 22, 2020

Small Business Regulatory Advisory Commission c/o Ms. Johanna Nelson
New Mexico Economic Development Department
1100 St. Francis Drive
Santa Fe, New Mexico 87505
Johanna.Nelson@state.nm.us

Sent via e-mail

RE: Proposed Amendments to 19.15.2.7, 19.15.16, and 19.15.34 NMAC

Dear Chair and Members of the Small Business Regulatory Advisory Commission;

The Energy, Minerals and Natural Resources Department, Oil Conservation Division (OCD), hereby gives notice, pursuant to the Small Business Regulatory Relief Act, NMSA 1978, Section 14-4A-1, *et seq.*, that OCD has petitioned the Oil Conservation Commission for amendments to amend 19.15.2.7 NMAC to conform the definition of "produced water" with the definition found in the Oil and Gas Act, NMSA 1978, §70-2-33(K) (2019); (2) amend 19.15.16 NMAC to add a section requiring the filing of a water use report for a hydraulically fractured well that provides the portion of the water used in fracturing which is potable, nonpotable, or recycled produced water; and (3) amend 19.15.34 NMAC to conform the language in 19.15.34 NMAC to the legislative changes in Laws 2019, chapter 197 (HB 546) concerning produced water..

The Oil Conservation Commission is scheduled to hold a hearing on the proposed amendments on July 30 and 31, 2020. A copy of the proposed amendments and hearing notice are included for your convenience.

If you have any questions or concerns about the proposed amendments, please contact me at (505) 476-3200 or cheryl.bada@state.nm.us.

Sincerely,

A handwritten signature in cursive script, reading "Cheryl L. Bada".

Cheryl L. Bada
Deputy General Counsel