

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

**IN THE MATTER OF PROPOSED
AMENDMENTS TO THE COMMISSION'S
RULES ON PRODUCED WATER,
19.15.2, 19.15.16, AND 19.15.34 NMAC**

CASE NO. 21281

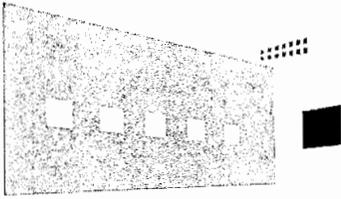
**NEW MEXICO OIL CONSERVATION COMMISSION'S
CERTIFICATE OF COMPLIANCE WITH NOTICE REQUIREMENTS**

As Clerk to the New Mexico Oil Conservation Commission (OCC), I hereby certify that notice of this matter has been provided as follows:

1. The Notice of Proposed Rulemaking for this Case (Notice) was published in the New Mexico Register on June 9, 2020. Exhibit A.
2. The Notice was sent to the Albuquerque Journal and was published on May 29 and May 30, 2020. Exhibit B.
3. On May 26, 2020, the Notice was posted on the Oil Conservation Division (OCD) website and remained posted through the date of the public hearing. Exhibit C.
4. On May 26, 2020, the Notice was sent to the OCD field offices in Hobbs, Artesia, and Aztec to be available to the public.
5. On May 26, 2020, the Notice had been mailed or e-mailed to all persons on the OCC's mailing list for rulemakings.
6. On May 27, 2020, the Notice was mailed to the New Mexico Legislative Council for distribution to committees.
7. On May 22, 2020, the Notice was posted on the Sunshine Portal. Exhibit D.
8. On May 22, 2020, the Notice was sent to the Small Business Regulatory Advisory Commission. Exhibit E.

NEW MEXICO OIL CONSERVATION COMMISSION

/s/ Florene Davidson
FLORENE DAVIDSON
COMMISSION CLERK



NM Commission of Public Records
1205 Camino Carlos Rey
Santa Fe, NM 87507 US
(505) 476-7902

Invoice

EMNRD - Oil Conservation Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505

INVOICE #	DATE	TOTAL DUE	DUE DATE	ENCLOSURE
4899	06/10/2020	\$120.00	06/10/2020	

VOLUME	ISSUE	P.O. NUMBER
XXXI	11	52100-0000063992

DATE	DESCRIPTION	QTY	RATE	AMOUNT
06/09/2020	NM Register - 431902 Notice of Public Hearing and Public Meeting, hearing date: 7/30/2020	40	3.00	120.00

Thank you for your business! BALANCE DUE **\$120.00**

NEW MEXICO
State Records Center and Archives



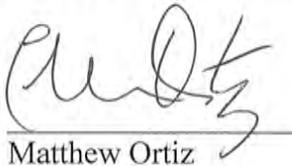
COMMISSION OF PUBLIC RECORDS

Your Access to Public Information

Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 4899 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXXI, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 4899, and that Invoice # 4899 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

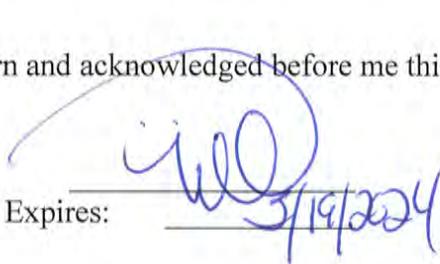
Affiant:

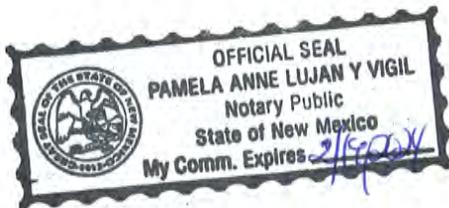

Matthew Ortiz

Subscribed, sworn and acknowledged before me this 11th day of June, 2020.

Notary Public:

My Commission Expires:


3/19/2024



1205 Camino Carlos Rey | Santa Fe, NM 87507 | nmcpr.state.nm.us

Hon. Hector Balderas
Attorney General

Hon. Brian S. Colón
State Auditor

Hon. Maggie Toulouse Oliver
Secretary of State

Debra Garcia y Griego
Department of Cultural Affairs

Kenneth Ortiz
General Services Department

Daniel Cordova
Interim Director, NM State Law Library

NOTICE OF PUBLIC MEETING AND PUBLIC HEARING

The New Mexico Oil Conservation Commission (Commission) hereby gives notice that the Commission will hold the following public meeting and public hearing commencing at 9:00 a.m. on July 30, 2020 online and via telephone. The hearing may be continued to the following day if not completed. Oral comments may be made either on-line or by telephone. The Commission shall make available to the public a preliminary agenda for the meeting no later than two weeks prior to the meeting, and a final agenda for the meeting no later than 72 hours before the meeting.

Case No. 21281: APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION TO AMEND THE COMMISSION'S RULES FOR PRODUCED WATER IN 19.15.2, 19.15.16, AND 19.15.34 NMAC; STATEWIDE.

The New Mexico Oil Conservation Division (OCD) proposes to (1) 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.

Purpose of Proposed Rule. The proposed rule implements the changes in produced water management and authority enacted by House Bill 546 (Laws 2019, chapter 197) in the 2019 Legislature.

Legal Authority. The proposed rule is authorized by the Oil and Gas Act, Sections 70-2-1 through 70-2-38 NMSA 1978, and specifically, Section 70-2-6 (authorizing the Commission to exercise jurisdiction, authority, and control of and over all persons, matters, and things necessary or proper to enforce the statute), Section 70-2-11 (authorizing the Commission to make rules to prevent waste, protect correlative rights, and to do whatever may be reasonably necessary to implement the statute), and Section 70-2-12 (enumerating the powers of the Commission and OCD). The public hearing is governed by the Commission's rule on rulemaking proceedings, 19.15.3 NMAC.

Availability of Proposed Rule. The full text of the proposed rule may be obtained from the Commission Clerk, Florene Davidson at florene.davidson@state.nm.us or (505) 476-3458, or can be viewed on the Rules page of the OCD's website at <http://www.emnrd.state.nm.us/ocd>.

Public Hearing. The Commission will hold a public hearing on the proposed rule at the Commission meeting commencing at 9:00 a.m. on July 30, 2020 online and via telephone. The hearing may be continued to the following day(s) if not completed. The hearing will be held via Webex Meeting platform. The public meeting can be accessed by using the following link and/or meeting information:

July 30

OCC - (Day 1) Produced Water Rule Making Hearing

Meeting number: 967 682 712

Password: R4SpDXpeu49

<https://nmemnrd.webex.com/nmemnrd/j.php?MTID=m6572062a0ff431b8f7a815b6edf74af0>

Join by phone

+1-408-418-9388 United States Toll

Access code: 967 682 712

July 31 (IF NECESSARY):

OCC - (Day 2) Produced Water Rule Making Hearing

Meeting number: 963 288 479

Password: ZjiqP9PET32

<https://nmemnrd.webex.com/nmemnrd/j.php?MTID=m2854bda11fb429c3fd553e90c6707a8f>

Join by phone

+1-408-418-9388 United States Toll

Access code: 963 288 479

For information on how to participate in the hearing please contact the Commission Clerk, Florene Davidson at florene.davidson@state.nm.us or (505) 476-3458 or visit the OCD's website at <http://www.emnrd.state.nm.us/ocd>. Pursuant to NMAC 19.15.3.8(C), the Commission will issue a Procedural Order specifying additional rules for the hearing as outlined below. The Procedural Order may be obtained from the Commission Clerk, Florene Davidson at florene.davidson@state.nm.us or (505) 476-3458, or can be viewed on the Rules page of the OCD's website at <http://www.emnrd.state.nm.us/ocd>.

Proposed Modifications, Technical Testimony, and Cross Examination. Any person intending to propose a modification to the proposed rule, to present technical testimony at the hearing, or to cross-examine witnesses must file a Pre-Hearing Statement conforming to the requirements of Subsection B of 19.15.3.11 NMAC, no later than 5:00 p.m. on July 17, 2020. Additionally, all technical testimony shall be presented to the Commission in writing and shall be filed with the Commission no later than 5:00 p.m. on July 17, 2020. Filing may be accomplished by first class mail to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or electronic mail to OCD.Hearings@state.nm.us. Any person who presents technical testimony in writing shall attend the hearing online or via telephone and will be subject to cross-examination by the members of the Commission, the Commission's counsel, or another person who has filed a Pre-Hearing Statement on the subject matter of the person's direct testimony.

Oral Comments. Any person who has not submitted 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 the testimony. Any person that wishes to present oral non-technical testimony to the Commission shall notify the Commission Clerk, Florene Davidson by first class or electronic mail at 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or florene.davidson@state.nm.us no later than 5:00 p.m. on July 29, 2020. In order to ensure that all participants are able to participate in the hearing, notifications to the Commission Clerk shall include at least a name and telephone number of the person intending to present non-technical testimony. Any exhibits that will be offered in conjunction with non-technical testimony must be sent via electronic mail to the Commission Clerk, Florene Davidson, at the above email address no later than 5:00 p.m. on July 29, 2020. Any person who presents 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 on the subject matter of the person's direct testimony.

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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, Florene Davidson, florene.davidson@state.nm.us or (505) 476-3458, or through the New Mexico Relay Network at 1-800-659-1779, no later than July 17, 2020.

Technical Information. There is no technical information for the proposed rule.

ALBUQUERQUE PUBLISHING COMPANY

7777 Jefferson St. NE, Albuquerque, NM 87109

Account Number
1009661

Ad Order Number
0001487981

Ad Proof/Order Confirmation

N M DEPT OF ENERGY, MINING &
NATURAL RES FORESTRY DIV
1220 S ST FRANCIS DR
SANTA FE, NM 87505 USA

Ordered By Marlene Salvidrez
Customer Email fran.chavez@state.nm.us
Ad Cost \$847.00
Tax Amount \$66.70
Total Amount \$913.70
Amount Due \$913.70

Customer Phone 5054763300
PO Number 52100-0000063999
Sales Rep sramirez
Order Taker sramirez
Payment Method Credit Card
Payment Amount \$0.00

Joint Ad #

Affidavits 0

Pick Up #

Product Albuquerque Journal
Ad Number 0001487981-01
Ad Type 0 Legals Multi Col
Ad Size 3 X 12.5"
Color

Placement 0Legal Notices
Classification 0Government
Sort Text NOTICEOFPUBLICMEETINGANDPUBL
ICHEARINGTHENEWMEXICOOILCON
SERVATIONCOMMISSIONCOMMISSI
ONHEREBYGIVESNOTICETHATTHEC
OMMISSIONWILLHOLDTHEF

Run Date
05/29/2020
05/29/2020
05/29/2020
05/30/2020
05/30/2020

WYSIWYG Content

Exhibit B



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Meeting number: 967 682 712

Password: R4SpDXpeu49

<https://nmemnrd.webex.com/nmemnrdj.php?MTID=m6572062a0ff431b8f7a815b6edf74af0>

Join by phone

+1-408-418-9388 United States Toll

Access code: 967 682 712

July 31 (IF NECESSARY):

OCC - (Day 2) Produced Water Rule Making Hearing

Meeting number: 963 288 479

Password: ZjqP9PET32

<https://nmemnrd.webex.com/nmemnrdj.php?MTID=m2854bda11fb429c3d553e90c6707a8f0>

Join by phone

+1-408-418-9388 United States Toll

Access code: 963 288 479

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Technical Information. There is no technical information for the proposed rule.

Journal: May 29, 30, 2020



OCD Rules

Proposed Rules

[Case No. 21281: APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION TO AMEND THE COMMISSION'S RULES FOR PRODUCED WATER IN 19.15.2, 19.15.16, AND 19.15.34 NMAC; STATEWIDE.](#)

[Notice of Public Meeting and Public Hearing](#)

[Procedural Order](#)

[19.15.2 NMAC Proposed Amendment](#)

[19.15.16 NMAC Proposed Amendment](#)

[19.15.34 NMAC Proposed Amendment](#)

New Rules

Case 20895 Compliance and Enforcement (19.15.5 NMAC)

[Final Rule](#)

[OCC Final Order](#)

[Notice of Rule Adoption](#)

Case 16377 Injection (19.15.26 NMAC)

[Proposed Rule Amendments Transmittal Form](#)

Case 16376 Amend Horizontal Well Rule (19.15.16, S15 NMAC)

[Final Rule](#)

Case 15959 Releases (19.15.29)

[Order/Pending Rule](#)



Case 16078 Financial Assurance (19.15.25, 19.15.8, 19.15.2.7 NMAC)

[19.15.25 NMAC Transmittal Form](#)

Case 15957 Horizontal Well Rule (19.15.2,19.15.4, 19.15.14, 19.15.15, 19.15.16 NMAC)

[Commission Order](#)

Case 15802 C-115 Forms (19.15.7.24 NMAC)

[Notice of Rule Adoption](#)

Case 15738 (19.15.3 NMAC)

[Notice of Rule Adoption](#)

Current Rules

For the most up-to-date version of OCD's rules or to investigate the rules of other New Mexico state agencies, please visit the New Mexico Commission of Public Records' official website via the links below:

[New Mexico Administrative Code \(indexed\)](#)

[New Mexico Administrative Code Table of Contents](#)

OCD Rule Cross Walks

[Old Rules to Current Rules](#)

[Current Rules to Old Rules](#)

[Rules](#)

New Mexico Statutes

[Oil and Gas Act, Chapter 70, NMSA 1978](#)

[Table of Contents of Chapter 70 Oil and Gas](#)

Directions--New Mexico Commission of Public Records' official website:

NM Public Access Law- Statutes and Court Rules--Desktop- Click OK

Top Left- Click + by Statutes, Rules and Const.

Click + by NMSA, Scroll Down

Click + by More. Scroll down to Chapter 70 Oil and Gas. Expand for Articles



EMNRD Home
505-476-3200

State Parks
1-888-667-2757

State Forestry
505-476-3325

Mining & Minerals
505-476-3400

Energy Conservation
505-476-3315

Oil & Gas
505-476-3441

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Written or Electronic Comments. Any person may submit written or electronic comments on the proposed rule no later than 9:00 a.m. on July 30, 2020, unless extended by the Commission or the Chair of the Commission, by first class or electronic mail to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or florene.davidson@state.nm.us.

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, Florene Davidson, florene.davidson@state.nm.us or (505) 476-3458, or through the New Mexico Relay Network at 1-800-659-1779, no later than July 17, 2020.

Technical Information. There is no technical information for the proposed rule.

OCC Hearing Exhibit 1d

 Rule Hearing
Amendment of Oil Conservation Commission Rules Regarding Produced Water

[+ Follow](#)
[New Note](#)
[Change Owner](#)
[Edit](#)

Related **Details**

SSP Rule Hearing Name

Amendment of Oil Conservation Commission Rules Regarding Produced Water

Agency

[Energy Minerals and Natural Resources Department \(/lightning/r/0014100000Am09uAAB/view\)](#)

Proposed Rule Summary

The New Mexico Oil Conservation Division (OCD) proposes to (1) 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.

Purpose (Brief) ⓘ

The proposed rule amendments implement the changes in produced water management and authority enacted by House Bill 546 (Laws 2019, chapter 197) in the 2019 Legislature.

Purpose

The proposed rule amendments implement the changes in produced water management and authority enacted by House Bill 546 (Laws 2019, chapter 197) in the 2019 Legislature.

Owner

 [Cheryl Bada \(/lightning/r/00541000005ESxhAAG/view\)](#)

∨ Information to Constituents

Hearing Start Date and Time

7/30/2020 9:00 AM

Hearing End Date and Time

Public Hearing Location

The Commission will hold a public hearing on the proposed rule at the Commission meeting commencing at 9:00 a.m. on July 30, 2020 online and via telephone. The hearing may be continued to the following day(s) if not completed. The hearing will be held via Webex Meeting platform.

How To Participate

Exhibit D

The public meeting can be accessed by using the following link and/or meeting information:

July 30

OCC - (Day 1) Produced Water Rule Making Hearing

Meeting number: 967 682 712

Rule Hearing

Amendment of Oil Conservation Commission Rules Regarding Produced Water

Meeting number: 967 682 712

<https://nmemnrd.webex.com/nmemnrd/j.php?MTID=m6572062a0ff431b8f7a815b6edf74af0>

+ Follow

New Note

Change Owner

Edit



Join by phone

+1-408-418-9388 United States Toll

Access code: 967 682 712

July 31 (IF NECESSARY):

OCC - (Day 2) Produced Water Rule Making Hearing

Meeting number: 963 288 479

Password: ZjqP9PET32

<https://nmemnrd.webex.com/nmemnrd/j.php?MTID=m2854bda11fb429c3fd553e90c6707a8f> (<https://nmemnrd.webex.com/nmemnrd/j.php?MTID=m2854bda11fb429c3fd553e90c6707a8f>)

<https://nmemnrd.webex.com/nmemnrd/j.php?MTID=m2854bda11fb429c3fd553e90c6707a8f>

Join by phone

+1-408-418-9388 United States Toll

Access code: 963 288 479

For information on how to participate in the hearing please contact the Commission Clerk, Florene Davidson at florene.davidson@state.nm.us (<mailto:florene.davidson@state.nm.us>) or (505) 476-3458 or visit the OCD's website at <http://www.emnrd.state.nm.us/ocd> (<http://www.emnrd.state.nm.us/ocd>). Pursuant to NMAC 19.15.3.8(C), the Commission will issue a Procedural Order specifying additional rules for the hearing as outlined below. The Procedural Order may be obtained from the Commission Clerk, Florene Davidson at florene.davidson@state.nm.us (<mailto:florene.davidson@state.nm.us>) or (505) 476-3458, or can be viewed on the Rules page of the OCD's website at <http://www.emnrd.state.nm.us/ocd> (<http://www.emnrd.state.nm.us/ocd>).

Proposed Modifications, Technical Testimony, and Cross Examination. Any person intending to propose a modification to the proposed rule, to present technical testimony at the hearing, or to cross-examine witnesses must file a Pre-Hearing Statement conforming to the requirements of Subsection B of 19.15.3.11 NMAC, no later than 5:00 p.m. on July 17, 2020. Additionally, all technical testimony shall be presented to the Commission in writing and shall be filed with the Commission no later than 5:00 p.m. on July 17, 2020. Filing may be accomplished by first class mail to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or electronic mail to OCD.Hearings@state.nm.us (<mailto:OCD.Hearings@state.nm.us>). Any person who presents technical testimony in writing shall attend the hearing online or via telephone and will be subject to cross-examination by the members of the Commission, the Commission's counsel, or another person who has filed a Pre-Hearing Statement on the subject matter of the person's direct testimony.

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How To Obtain Copy of Proposed Rule

The full text of the proposed rule may be obtained from the Commission Clerk, Florene Davidson at florene.davidson@state.nm.us (<mailto:florene.davidson@state.nm.us>) or (505) 476-3458, or can be viewed on the Rules page of the OCD's website at <http://www.emnrd.state.nm.us/ocd> (<http://www.emnrd.state.nm.us/ocd>).

Rule Hearing Contact Name ⓘ

Florene Davidson

Rule Hearing Contact Email ⓘ

florene.davidson@state.nm.us (<mailto:florene.davidson@state.nm.us>)

Rule Hearing Contact Phone Number ⓘ

(505) 476-3458 (tel:(505) 476-3458)

When Are Comments Due

7/30/2020 9:00 AM

How to Submit Comments

Oral Comments. Any person who has not submitted 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 the testimony. Any person that wishes to present oral non-technical testimony to the Commission shall notify the Commission Clerk, Florene Davidson by first class or electronic mail at 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or florene.davidson@state.nm.us (mailto:florene.davidson@state.nm.us) no later than 5:00 p.m. on July 29, 2020. In order to ensure that all participants are able to participate in the hearing, notifications to the Commission Clerk shall include at least a name and telephone number of the person intending to present non-technical testimony at the hearing. Written or Electronic Comments. Any person may submit written or electronic comments on the proposed rule no later than 9:00 a.m. on July 30, 2020, unless extended by the Commission or the Chair of the Commission, by first class or electronic mail to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or florene.davidson@state.nm.us (mailto:florene.davidson@state.nm.us).

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Related Links

Link to Rule Explanatory Statement

Link to Rule Corrections

Related New Mexico Register Publications

Administrative Code

NMAC 19.15.2.7;NMAC 19.15.16.21;NMAC 19.15.34

Created By

Cheryl Bada (/lightning/r/00541000005ESxhAAG/view), 5/22/2020 4:46 PM

Last Modified By

Cheryl Bada (/lightning/r/00541000005ESxhAAG/view), 5/22/2020 4:47 PM

Refresh

Update Descriptions

FILE NAME	FILE TYPE	LINK
OCC Hearing Notice Produced Water Rule	PDF	View (https://statenm.my.salesforce.com/sfc/p/4100000137C2/a/2M00000176De/37D9MXjhTI8WJVxRL4T.cTdVh)
Description: <input type="text"/>		
19.15.34 Proposed Amendments	PDF	View (https://statenm.my.salesforce.com/sfc/p/4100000137C2/a/2M00000176Df/PwppZz2EhhU_8GFWGKdgtK)
Description: <input type="text"/>		
Application for Rulemaking Produced Water	PDF	View (https://statenm.my.salesforce.com/sfc/p/4100000137C2/a/2M00000176Dj/tPvznNsF2LWqThbwfrz4_Prdnt)
Description: <input type="text"/>		
19.15.2.7(P) Proposed Amendments	PDF	View (https://statenm.my.salesforce.com/sfc/p/4100000137C2/a/2M00000176Dk/j3BZeykSLAnMEP9y.avawowWf)
Description: <input type="text"/>		
19.15.16.21 Proposed Amendments	PDF	View (https://statenm.my.salesforce.com/sfc/p/4100000137C2/a/2M00000176DI/3MStpJ_tW4BhIhnQ5trbfrvhIC)
Description: <input type="text"/>		

Citations and Administrative codes

CITATIONS

NMSA 1978, §

+ Add

Save

Clear

ADMINISTRATIVE CODES

NMAC

+ Add

NMAC 19.15.2.7

NMAC 19.15.16.21

- NMAC 19.15.16.21
- NMAC 19.15.34

Save Clear

Activity **Amendment of Oil Conservation Commission Rules Regarding Produced Water**

+ Follow New Note Change Owner Edit

New Event New Task Log a Call More

Set up an event... Add

Filters: All time • All activities • All types

Refresh • Expand All • View All(/runtime_sales_activities/activityViewAll.app?parentRecordId=a042M00000eJ1TxQAK)

Upcoming & Overdue

No next steps.
To get things moving, add a task or set up a meeting.

No past activity. Past meetings and tasks marked as done show up here.

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 that reads "Cheryl L. Bada".

Cheryl L. Bada
Deputy General Counsel

Exhibit E

From: [Nelson, Johanna, EDD](#)
To: [Bada, Cheryl, EMNRD](#)
Subject: RE: Notice of Proposed Rulemaking Before the Oil Conservation Commission Produced Water Rule Amendments
Date: Friday, May 22, 2020 4:19:51 PM

Received, passed it on to the group, thanks!

From: Bada, Cheryl, EMNRD
Sent: Friday, May 22, 2020 4:14 PM
To: Nelson, Johanna, EDD <Johanna.Nelson@state.nm.us>
Subject: Notice of Proposed Rulemaking Before the Oil Conservation Commission Produced Water Rule Amendments

Ms. Nelson,

Please find attached for the Small Business Regulatory Advisory Commission, notice of the Energy, Minerals and Natural Resources Department, Oil Conservation Division's proposed amendments to the Oil Conservation Commission's rules concerning produced water. I have attached the notice of rulemaking and the proposed rule amendments with a letter to the Commission.

Cheryl L. Bada
Deputy General Counsel
Energy, Minerals and Natural Resources Department
1220 S. St. Francis Dr.
Santa Fe, NM 87505
cheryl.bada@state.nm.us