

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

**IN THE MATTER OF THE APPLICATION  
OF WILDEARTH GUARDIANS AND THE  
NEW MEXICO OIL CONSERVATION DIVISION  
TO CONSIDER THE PROPOSED AMENDMENTS  
TO RULES 19.15.29.6, 19.15.29.8 AND 19.15.29.15 NMAC  
CONCERNING RELEASES**

**CASE NO. 21834  
ORDER NO. R-21674**

**PROCEDURAL ORDER**

As permitted by 19.15.3.12(A)(2)(h) NMAC, the Oil Conservation Commission (“Commission”) will commence a public rulemaking hearing on the above-captioned application at 9:00 a.m. on June 9, 2021 and continuing each day until completed. The hearing will be conducted via telephonic/virtual means by a quorum of the Commission or a hearing officer appointed by the Commission. The parties, their witnesses, and members of the public may attend the meeting through the Webex Meeting platform using the link and meeting information to be provided in the Public Notice available at <http://www.emnrd.state.nm.us/OCD/hearings.html>.

In addition to the procedures found in Rule 19.15.3 NMAC, the following special rules shall apply to this hearing:

**Webex Meeting Information**

1. **WebEx Meeting Information**

**June 9, 2021**

OCC - Spill/Release Rulemaking Hearing

WebEx Information at <http://www.emnrd.state.nm.us/OCD/outreach.html>

2. **Motions**

- a) All Motions, dispositive or otherwise, shall be filed with the Commission and served electronically on the applicant and each person entering an appearance no later than 5:00 PM May 31, 2021.

- b) Responses shall be filed with the Commission and served electronically on the applicant and each person entering an appearance no later than 5:00 PM June 2, 2021.
- c) No Replies are permitted.
- d) Timely-filed Motions shall be heard by the Commission or a hearing officer appointed by the Commission on June 4, 2021 at 9:00 AM.
- e) The Commission reserves the right to decide non-dispositive Motions without a hearing.

3. **Technical Testimony**

- a) No later than 5:00 P.M. May 26, 2021 a person wishing to present technical testimony shall file a Pre-Hearing Statement with the Commission that includes a concise statement in summary or outline form of each technical witness's qualifications, anticipated testimony, exhibits, proposed modifications to the proposed rule change with reasons for adopting the modifications, and duration of testimony, and attach the exhibits.
- b) The Pre-Hearing Statement shall be filed by first class and electronic mail to the Commission Clerk, Florene Davidson, 3<sup>rd</sup> Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, and [OCC.Hearings@state.nm.us](mailto:OCC.Hearings@state.nm.us) on or before May 26, 2021 by 5:00 PM and shall serve such filing electronically on each person entering an appearance. If persons filing a Pre-Hearing Statement need to submit documents in paper form, such persons should notify the Commission Clerk of this need and schedule a time for delivery.
- c) Any person who presents technical testimony in writing shall attend the hearing and be subject to cross-examination on the subject matter of the person's direct testimony by the members of the Commission, the Commission's counsel, or another person who has filed a Pre-Hearing Statement.
- d) The cross-examination of a witness shall be conducted immediately following his or her direct examination.
  - i. Pursuant to Rule 19.15.3.11(B)(3), a party may present technical rebuttal testimony only upon a finding by the Commission that the testimony is offered solely for the purpose of rebuttal.

4. **Non-Technical Testimony**

- a) Any person who has not submitted a Pre-Hearing Statement may present non-technical testimony at the hearing, and offer exhibits at the hearing, so long as the exhibits are relevant to the proposed rule and do not unduly repeat the testimony.
- b) Any person that wishes to present non-technical testimony shall notify the Commission Clerk by signing up on the date on which the person wishes to be heard. Such person is subject to cross-examination and will present non-technical testimony on only one occasion.
- c) Any person who presents non-technical testimony will be subject to cross-examination on the subject matter of the person's direct testimony by the Commission, the Commission's counsel, or another person who filed a Pre-Hearing Statement consistent with this Order and the Division Rules.

**5. Oral Public Comment**

- a) Any person may present oral public comment at the hearing.
  - i. Any person presenting oral public comment at the hearing will not be subject to cross-examination.
  - ii. The Commission will accept oral public comment on each day of the hearing. To schedule a time to present oral public comment, please contact Commission Clerk, Florene Davidson, 3<sup>rd</sup> Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, [florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us), or [OCC.Hearings@state.nm.us](mailto:OCC.Hearings@state.nm.us). Individuals who sign up in advance of the date upon which they wish to comment shall receive 3 minutes for presentation. Individuals who sign up to comment on the same date on which they wish to comment will receive 2 minutes for presentation.

**6. Written Public Comment**

- a) Any person may submit written public comment.
- b) The Commission will accept and consider written public comment received no later than 5:00 PM. June 9, 2021, unless extended by the Commission.
- c) Written public comment may be submitted by first class or electronic mail, with first class mail postmarked by June 5, 2021 and emails issued by 5 PM on June 9, 2021, to the Commission Clerk, Florene Davidson, 3<sup>rd</sup> Floor, Wendell Chino Building, 1220 South St.

Francis Drive, Santa Fe, New Mexico, 87505, [florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us), or [OCC.Hearings@state.nm.us](mailto:OCC.Hearings@state.nm.us).

7. **Additional Matters**

- a) When the evidentiary record is closed, the Commission may consider whether to allow post-hearing briefing by the parties. If the Commission determines that post-hearing briefing would be helpful in its deliberations, the Commission will identify the scope, deadlines, and other requirements.

IT IS SO ORDERED.

DONE at Santa Fe, New Mexico, on this 22nd day of April 2021.

**STATE OF NEW MEXICO  
OIL CONSERVATION COMMISSION**

A handwritten signature in black ink, appearing to read 'AS', with a long horizontal flourish extending to the right.

**ADRIENNE SANDOVAL, M.E., CHAIR**