

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

**IN THE MATTER OF PROPOSED
AMENDMENTS TO 19.15.2, 19.15.5,
19.15.8, 19.15.9, AND 19.15.25 NMAC**

CASE NO. 24683

APPLICANTS' NOTICE OF FILING SECOND AMENDED NOTICE OF HEARING

Applicants Western Environmental Law Center, et al., hereby file their Second Amended Notice of Hearing. The Second Amended Notice of Hearing:

- Proposes a hearing start date of April 14, 2025 to accommodate requests of the Oil Conservation Division (OCD) and the Independent Petroleum Association of New Mexico (IPANM),
- Proposes setting aside two weeks for hearing (although the parties will endeavor not to take the entire two weeks),
- Makes certain changes to the notice to accommodate requests from other parties, and
- Reflects language from past notices of hearing for rulemakings issued by the Oil Conservation Commission (Commission), including its most recent notice for Case No. 23580 (the PFAS rulemaking).

Applicants conferred with all parties in this matter, and OCD, IPANM, the New Mexico Oil and Gas Association, and OXY USA Inc. concur in the attached Notice, which is Applicants' Second Amended Exhibit 2 to its Application for Rulemaking.

Applicants respectfully request the Commission to schedule a date for hearing in this matter and issue a Notice of Hearing.

Respectfully submitted,

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Certificate of Service

I certify that on September 6, 2024, I served a copy of the foregoing pleading to the following via email:

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Oil Conservation Commission Clerk

/s/ Tannis Fox
Tannis Fox

SECOND AMENDED EXHIBIT 2 [PROPOSED] NOTICE OF PUBLIC HEARING

The New Mexico Oil Conservation Commission (Commission) hereby gives notice that the Commission will hold a public hearing to consider proposed amendments to Commission rules at 19.15.2, -5, -8, -9, and -25 NMAC. Western Environmental Law Center, Citizens Concerned for the Future, Conservation Voters New Mexico Education Fund, Diné C.A.R.E., Earthworks, Naeva, New Mexico Interfaith Power and Light, San Juan Citizens Alliance, and Sierra Club propose the amendments. The public hearing will be held in-person, online, and by telephone commencing April 14, 2025 at 9:00 am and continuing each weekday thereafter as necessary through April 25, 2025.

Purpose of Proposed Amendments. The purpose of the proposed amendments is to increase the financial assurance from oil and gas operators to address the actual costs to plug and abandon oil and gas wells in the state, to decrease the risks of wells becoming orphaned, and to address when wells placed in temporary abandonment status will be returned to beneficial use within a reasonable period or will be plugged and abandoned.

Summary of Proposed Amendments. The proposed amendments would require meeting the requirements at 19.15.27 and -28 NMAC (regulating venting and flaring of natural gas) in order for an operator to be in compliance at 19.15.5.9.A NMAC; increasing financial assurance requirements for wells at 19.15.8 NMAC to address actual well plugging and abandonment costs and risks to the state and to add new categories for financial assurance based on risk; modifying change of operator requirements at 19.15.9 NMAC to better protect against risks to the state; modifying requirements at 19.15.25 NMAC for placing wells in approved temporary abandonment status, maintaining wells in that status, and renewing that status; and modifying certain definitions at 19.15.2 NMAC to reflect the other proposed amendments.

Legal Authority. The proposed rule is proposed pursuant to the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38, including Section 70-2-6 (authorizing Commission to exercise jurisdiction, authority, and control over all persons, matters, and things necessary or proper to enforce the statute), Section 70-2-11 (authorizing Commission to make rules to prevent waste, protect correlative rights, and to do whatever may be reasonably necessary to implement the statute), Section 70-2-12 (enumerating powers of Commission and Oil Conservation Division (OCD)), and Section 70-2-14 (authorizing Commission to establish categories of financial assurance). The public hearing is governed by the Commission's rule on rulemaking proceedings at 19.15.3 NMAC.

Availability of Proposed Amendments. The full text of the proposed amendments is available on OCD's website at <http://www.emnrd.state.nm.us/OCD/rules.html> or may be obtained from Commission Clerk Sheila Apodaca at sheila.apodaca@emnrd.nm.gov or 505-699-8358.

Written or Electronic Comments. Any person may submit written or electronic comments on the proposed amendments no later than 5:00 pm on April 14, 2025 or before the close of the hearing, by mail or delivery to Sheila Apodaca, Commission Clerk, Wendell Chino Building, 3rd Floor, 1220 S. St. Francis Dr., Santa Fe, NM 87505, or by email to the Commission Clerk at occ.hearings@emnrd.nm.gov.

Public Hearing. The public hearing will be held in-person, online, and by telephone commencing on April 14, 2025 at 9:00 am and continuing each weekday thereafter as necessary through April 25, 2025. The hearing will be held in Pecos Hall on the first floor in the Wendell Chino Building at the address above. For information how to participate in the hearing, please contact the Commission Clerk at sheila.apodaca@emnrd.nm.gov or 505-699-8358, or visit the Hearings page on OCD's website at <http://www.emnrd.state.nm.us/OCD/hearings.html>. Public comment will be accepted on April 14, 2024 at 1:00 pm and 4:00 pm and each day thereafter at 9:00 am and 4:00 pm.

Proposed Modifications, Technical Testimony, and Cross-Examination. Any person intending to propose a modification to the proposed amendments, to present technical testimony at the hearing, or to cross-examine witnesses must file a Pre-hearing Statement conforming to the requirements of 19.15.3.11.B NMAC, except that instead of filing a concise statement of each witness's technical testimony as required by 19.15.3.11.B(2) NMAC, the person shall file each witness's full technical and non-technical testimony. Full direct testimony and exhibits shall be filed no later than 5:00 pm on January 31, 2025. Full rebuttal testimony and exhibits shall be filed no later than 5:00 pm on March 7, 2025. Filing may be accomplished by mail or delivery to Sheila Apodaca, Commission Clerk, Wendell Chino Building, 3rd Floor, 1220 S. St. Francis Dr., Santa Fe, NM 87505, or by email to the Commission Clerk at occ.hearings@emnrd.nm.gov. Any person who presents testimony in a Pre-hearing Statement will be subject to cross-examination by the members of the Commission, the Commission's counsel, or another person who filed a Pre-hearing Statement.

Oral Comments. Any person who did not file 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 non-technical, relevant to the proposed rule, and do not unduly repeat testimony. Any person who presents sworn, 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. However, any person who presents an unsworn position statement or general public comment shall not be subject to cross-examination. To help facilitate the hearing, persons wishing to present non-technical testimony or make an unsworn statement or public comment at the hearing are strongly encouraged to contact Commission Clerk Sheila Apodaca at sheila.apodaca@emnrd.nm.gov or 505-699-8358 prior to the hearing so that a list of commenters may be prepared in advance. However, at the close of oral public comment, the Commission shall allow any person to offer in person or virtually non-technical testimony or make an unsworn oral statement relevant to the proceedings.

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 at occ.hearings@emnrd.nm.gov or 505-699-8358 or through the New Mexico Relay Network at 1-800-659-1779, no later than 5:00 pm on April 11, 2025.

Technical Information. Technical information that may be provided through Pre-hearing Statements and written technical testimony will be made publicly available on the OCD Imaging, Case File Search portal on OCD's website at <http://ocdimage.emnrd.state.nm.us/imaging/CaseFileCriteria.aspx>, and may be accessed by

searching for Case File No. 24683.