

## NOTICE OF PUBLIC MEETING AND PUBLIC HEARING

The State of New Mexico through the 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 January 2, 2020, in Porter Hall, 1<sup>st</sup> Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico. 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. 20895: APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION TO AMEND THE COMMISSION'S RULE FOR COMPLIANCE AND ENFORCEMENT IN SECTIONS 3, 8, 9, AND 10 OF 19.15.5 NMAC; STATEWIDE.**

The New Mexico Oil Conservation Division (OCD) proposes to amend (1) 19.15.5.3 NMAC to add the legal authority in Section 70-2-31 NMSA 1978; (2) 19.15.5.8 NMAC to state the duties and obligations of the OCD; (3) 19.15.5.9 NMAC to reorganize the section and remove superfluous language; and (4) 19.15.5.10 NMAC to describe the OCD's enforcement authority and the procedures that the OCD will follow to issue and adjudicate notices of violation and temporary cessation orders.

**Purpose of Proposed Rule.** The proposed rule implements the enforcement authority delegated to the OCD by the 2019 amendments to the Oil and Gas Act, Sections 70-2-1 through 70-2-38 NMSA 1978.

**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), Section 70-2-12 (enumerating the powers of the Commission and OCD), and Section 70-2-31 (authorizing the Commission to adopt rules for the issuance and adjudication of enforcement actions, including the assessment of civil penalties). 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, 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), (505) 476-3458, or can be viewed on the Rules page of the OCD's website at <http://www.emnrd.state.nm.us/ocd>, or in the OCD's offices in Santa Fe, Hobbs, Artesia or Aztec.

**Public Hearing.** The Commission will hold a public hearing on the proposed rule at the Commission meeting commencing at 9:00 a.m. on January 2, 2020, in Porter Hall, 1<sup>st</sup> Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico. The hearing may be continued to the following day(s) if not completed.

\* **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 six copies of 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 December 17, 2019. Filing may be accomplished by hand-delivery or first class or 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, or [florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us). A person filing a Pre-Hearing Statement who intends to use projection equipment shall contact the Commission Clerk no later than seven business days prior to the hearing. Any person who presents technical testimony 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, and the person provides at least

six copies conforming to the requirements of Subsection C of 19.15.3.12 NMAC. Any person who wishes to present non-technical testimony must indicate such intent on the sign-in sheet at the hearing. 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.

\* **Written or Electronic Comments.** Any person may submit written or electronic comments on the proposed rule no later than 9:00 a.m. on January 2, 2020, unless extended by the Commission or the Chair of the Commission, by hand-delivery or first class or 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, or [florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us).

\* **Wireless Access.** Wireless access will be available at the location of the hearing, but a person intending to use the access must provide the electronic device.

**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](mailto:florene.davidson@state.nm.us) or (505) 476-3458, or through the New Mexico Relay Network at 1-800-659-1779, no later than December 17, 2019.

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