

NOTICE OF PUBLIC HEARING FOR PROPOSED RULEMAKING

The State of New Mexico through the Oil Conservation Commission (OCC) hereby gives notice that the OCC will hold a public hearing to consider proposed amendments to 19.15.29.6 NMAC and 19.15.29.8 NMAC to prohibit unauthorized spills or releases of oil, gas, produced water, and other oil and gas waste. The public hearing will be held on-line and by telephone on April 1 and 8-9, 2021 and will be continued to the day(s) following April 9, 2021, if not completed.

Purpose of Proposed Rule Amendments. The proposed rule amendments seek to prohibit unauthorized spills or releases of oil, gas, produced water, and other oil and gas waste, placing enforcement of the proposed prohibition within the power of the Oil Conservation Division (OCD).

Summary of Proposed Rule Amendments. The OCC will consider proposed amendments to 19.15.29.6 and 19.15.29.8 NMAC to prohibit the unauthorized release of oil, gas, produced water, and other oil and gas waste, and to provide the OCD with authority to enforce the prohibition.

Legal Authority. The proposed rule amendments are authorized by the Oil and Gas Act, Sections 70-2-1 through 70-2-38 NMSA 1978, including Section 70-2-6 (authorizing the OCC 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 OCC 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 OCC and OCD), and Section 70-2-12(B)(15), (21), and (22) (specifically authorizing OCD to regulate produced water to protect public health, the environment, and fresh water resources and to regulate the disposition non-domestic wastes). The public hearing is governed by the OCC's rule on rulemaking proceedings, 19.15.3 NMAC.

Availability of Proposed Rule Amendments. The full text of the proposed rule amendments is available on the OCD's website,
http://ocdimage.emnrd.state.nm.us/Imaging/FileStore/santafeadmin/cf/20201022/21529_10_22_2020_01_36_50.pdf
or by contacting the OCC Clerk, Florene Davidson at florene.davidson@state.nm.us.

Written Comments. Any person may submit written comments on the proposed rule amendments no later than April 26, 2021, at 5:00 p.m. by mail, email, or delivery to the OCC Clerk, Florene Davidson, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, or florene.davidson@state.nm.us. To deliver written comments to the OCC Clerk, upon arrival at the building, call (505) 476-3200 ext. 1, and an OCC representative will come to the front door.

Scheduling Order. The OCC shall adopt a procedural order, which will be viewable at
<http://www.emnrd.state.nm.us/OCD/outreach.html>.

Public Hearing. The OCC will hear public comment and consider adoption of the proposed rule amendments at a public hearing to be held online and by telephone on April 1, 2021 at 9:00 a.m. and April 8-9, 2021, and continued to the following day(s) if not completed. The hearing will be transcribed and recorded. To access the hearing on-line via the Webex platform and by telephone:

Event: OCC Meeting April 1, 2021

Event address for attendees:

<https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=e835db791b966414746e5166f9de9c140>

Event address for panelists:

<https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=e6b9d85a516bbaef5dfea3dd62f1bf274>

Date and time: Thursday, April 1, 2021 9:00 am Mountain Daylight Time (Denver, GMT-06:00)

Event number: 187 621 7254

Event password: upY7phnrb53

Host key: 411050

Panelist numeric password: 199054

Video Address: 1876217254@nmemnrd.webex.com. You can also dial 173.243.2.68 and enter your meeting number.

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.

United States Toll

+1-408-418-9388

Show all global call-in numbers

Access code: 187 621 7254

Event: OCC Meeting April 8, 2021

Event address for attendees:

<https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=ef79d182f60e517c745e281cc0b9d6c73>

Event address for panelists:

<https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=edc5cf0006d0c6ea092082d60c57591e4>

Date and time: Thursday, April 8, 2021 9:00 am Mountain Daylight Time (Denver, GMT-06:00)

Event number: 187 600 1792

Event password: aJP5zfbEh85

Host key: 497019

Panelist numeric password: 137128

Video Address: 1876001792@nmemnrd.webex.com. You can also dial 173.243.2.68 and enter your meeting number.

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.

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Access code: 187 600 1792

Event: OCC Meeting April 9, 2021

Event address for attendees:

<https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=ea5307b31cd4d5cc30f81d5250fdd5c46>

Event address for panelists:

<https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=eab272855b15b285b61eeae09ec3c2042>

Date and time: Friday, April 9, 2021 9:00 am Mountain Daylight Time (Denver, GMT-06:00)

Event number: 187 653 2336

Event password: 7MWv4m6Gk7J

Host key: 112914

Panelist numeric password: 150497

Video Address: 1876532336@nmemnrd.webex.com. You can also dial 173.243.2.68 and enter your meeting number.

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.

United States Toll

+1-408-418-9388

Show all global call-in numbers

Access code: 187 653 2336

Proposed Modifications, Technical Testimony, and Cross Examination. A person who intends to propose a modification to the proposed rule amendments, to present technical testimony at the public hearing, or to cross-examine witnesses at the public hearing must file a Pre-Hearing Statement conforming to the requirements of 19.15.3.11(B) NMAC, per OCC's Procedural Order, which can be found at <http://www.emnrd.state.nm.us/OCD/outreach.html>. The Pre-Hearing Statement must be filed by mail, email, or delivery to the OCC Clerk, Florene Davidson, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, florene.davidson@state.nm.us. Six copies of any hard copy filings are required, but multiple copies are not required for electronically-filed documents. To deliver a Pre-Hearing Statement to the OCC Clerk,

upon arrival at the building, call (505) 476-3200 ext. 1, and an OCC representative will come to the front door. A person who presents technical testimony at the public hearing will be subject to cross-examination by the members of the OCC, the OCC's counsel, and other persons who filed Pre-Hearing Statements. Pre-Hearing Statements, including the exhibits that a party plans to offer as evidence at the hearing, may be viewed at <http://www.emnrd.state.nm.us/OCD/ocdonline.html>.

Oral Comments. A person who did not file a Pre-Hearing Statement may present non-technical testimony or make an unsworn statement at the public hearing. A person who wants to present non-technical testimony or make an unsworn statement at the public hearing must inform the hearing examiner. A person who presents non-technical testimony will be subject to cross-examination by the members of the OCC, the OCC's counsel, and other persons who filed Pre-Hearing Statements. A person may offer exhibits at the public hearing if the exhibits are relevant to the proposed rule amendments and the person files the original exhibit and five copies conforming to the requirements of 19.15.3.12(C) NMAC prior the end of the public hearing. A person may file exhibits by mail, email, or delivery to the OCC Clerk, Florene Davidson, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, florene.davidson@state.nm.us. To deliver exhibits to the OCC Clerk, call (505) 476-3200 ext. 1, and an OCC representative will come to the front door.

Deliberations. The OCC shall not begin deliberations in this matter until the public comment period expires on April 26, 2021, as required by Section 14-4-5(B) NMSA.

Persons with Disabilities. A person with a disability who needs a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service, such as a summary or other accessible form of document, to attend or participate in the public hearing, must contact the OCC Clerk, Florene Davidson, at (505) 476-3458 or florene.davidson@state.nm.us, or through the New Mexico Relay Network at 1-800-659-1779, no later than March 8, 2021.

Technical Information. The following technical information was consulted for the proposed rule amendments:

Hydraulic Fracturing for Oil and Gas: Impacts from the Hydraulic Fracturing Water Cycle on Drinking Water Resources in the United States available online at: www.epa.gov/hfstudy.