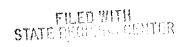
NMAC Transmittal Form





AM 9: 26

20/2025 Number of pages: [20] (AID Hea Only)

Volume: XXXVI	Issue: 14 Publication date:	07/29/2025	Number of pa	يلاث	Sequence No.	1127,8	
Issuing agency nam	e and address:			V 5	•	Agency DFA code:	
Energy, Miner	als, Natural Resources D	epartment				521	
Contact person's na	me:	Phone number:		E-mail address:			
Sheila Apodaca		(505) 699-2358		sheila.apodaca@emnd.nm.gov			
Type of rule action:					(ALD Use) Re	cent filing date:	
New Amendment Repeal Emergency Renumber						6-2005	
Title number:	Title name:						
19	NATURAL RESOURCES AND WILDLIFE						
Chapter number: Chapter name:							
15	OIL AND GAS						
Part number:	Part name:						
14	DRILLING PERMITS						
Amendment description (If filing an amendment): Amendment's NMAC citation (If filing an amendment):							
Amendment t	o two sections	1	9.15.14.9 ar	nd 19.15.14	.10 NMAC		
Are there any mate	rials incorporated by reference?	Please list atta	ichments or Inte	rnet sites if app	olicable.		
Yes No S	X			***************************************			
	ached, has copyright permission b	a 20 20 20 20 20 20 20 20 20 20 20 20 20	Yes	No	Public dor	nain	
-	utory or other authorit 2-11, 70-2-12, and 70-2-1				 78 NMSA		
Sections 70-	2-11, 70-2-12, and 70-2-1	2.2 70-2.23	NIVIOA 1910,	. 14-4-0 197	O, INIVIOA		
Notice date(s):	Hearing date(s):		Rule adoption de	ate:	Rule effe	ctive date:	
10/08/2024	11/12-15/2024		07/15/2025		07/29/2	025	

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

FILED WITH STATE RESERVED GENTER

Findings MUST include: 2075 JUL 16 AM 9: 26

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency. of any independent analysis done by the agency;

- Reasons for any change between the published proposed rule and the final rule; and

 Reasons for not accepting substantive arguments made through public comm 	ent.
Please see attached document entitled PFAS Rule Making Order Taken (18 pages total).	and Reasons for the Action
	and the state of t
Issuing authority (If delegated, authority letter must be on file with ALD): Name:	Check if authority has been delegated
Albert C.S. Chang	
Title	
Oil Conservation Commission Chair	
Signature: (BLACK ink only OR Digital Signature) Digitally signed by	Date signed:
Albert Chang	07/15/2025
Date: 2025.07.15	0171072020

2025 JUL 16 AM 9: 26

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

IN THE MATTER OF PROPOSED AMENDMENTS TO THE COMMISSION'S RULES TO ADDRESS CHEMICAL DISCLOSURE AND THE USE OF PERFLUOROALKYLAND POLYFLUOROALKYL SUBSTANCES AND IN OIL AND GAS EXTRACTION, 19.15.2, 19.15.7, 19.15.14, 19.15.16 AND 19.15.25 NMAC

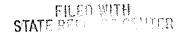
Case No. 23580 Order No. R-23824

WILDEARTH GUARDIANS,

PETITIONER

PFAS RULE MAKING ORDER and REASONS FOR THE ACTION TAKEN

This matter comes before the New Mexico Oil Conservation Commission ("Commission" or "OCC") upon a Petition filed on May 25, 2023, and an Amended Petition filed on August 23, 2024, by WildEarth Guardians ("Petitioner") for changes to 19.15.2, 19.15.7, 19.15.14, 19.15.16 and 19.15.25 NMAC. Public hearings were held November 12 through November 15, 2024. Petitioner provided a final set of proposed rules in its Proposed Statement of Reasons on February 19, 2025. Public deliberations were held on March 11, 2025. The Commission, having reviewed the submittals, testimony, evidence, the Hearing Officer's Report and the Proposed Findings of Fact and Conclusions of Law hereby issues, as provided for in 19.15.3.12 NMAC and 19.15.3.13.C NMAC, the following ORDER and REASONS FOR THE ACTION TAKEN. The Commission has the authority to adopt, refuse to adopt or adopt the proposed rule change in part pursuant to 19.15.3.13C NMAC. The Commission's actions are the following:



2075 JUL 16 AM 9:28

This is an amendment to 19.15.14 NMAC, Section 9 and 10, effective 07/29/2025.

- 19.15.14.9 APPLICATIONS: An operator shall file a complete form C-101 and complete form C-102 with the division and meet the following requirements, if applicable:
- A. an applicant for a permit to drill a well within the corporate limits of a city, town or village shall give notice to the duly constituted governing body of the city, town or village or its duly authorized agent and certify on form C-101 that it gave such notice;
- B. an applicant for a permit to drill in a quarter-quarter section containing an existing well or wells operated by another operator shall concurrently file a plat or other acceptable document locating and identifying the well or wells, furnish a copy of the application to the other operator or operators in the quarter-quarter section and certify on form C-101 that it furnished the copies; and
- C. an applicant for a permit to drill, deepen or plug back shall certify that they will not introduce any additives that contain PFAS chemicals in the completion or recompletion of the well; and
- [C₁] <u>D</u>. an applicant for a permit to operate a well in a spacing or proration unit containing an existing well or wells operated by another operator shall also comply with Subsection B of 19.15.15.12 NMAC. [19.15.14.9 NMAC Rp, 19.15.3.102 NMAC and 19.15.13.1101 NMAC, 12/1/2008; A, 7/29/2025]

19.15.14.10 APPROVAL OR DENIAL OF A PERMIT TO DRILL, DEEPEN OR PLUG BACK:

- A. The director or the director's designee may deny a permit to drill, deepen or plug back if the applicant is not in compliance with 19.15.14.9 NMAC and Subsection A of 19.15.5.9 NMAC. In determining whether to grant or deny the permit, the director or the director's designee shall consider such factors as whether the non-compliance with Subsection A of 19.15.5.9 NMAC is caused by the operator not meeting the financial assurance requirements of 19.15.8 NMAC, being subject to a division or commission order finding the operator to be in violation of an order requiring corrective action, having a penalty assessment that has been unpaid for more than 70 days since the issuance of the order assessing the penalty or having more than the allowed number of wells out of compliance with 19.15.25.8 NMAC. If the non-compliance is caused by the operator having more than the allowed number of wells not in compliance with 19.15.25.8 NMAC, the director or director's designee shall consider the number of wells not in compliance, the length of time the wells have been out of compliance and the operator's efforts to bring the wells into compliance.
 - B. The division may impose conditions on an approved permit to drill, deepen or plug back.
- C. If the division denies the permit it shall return the form C-101 to the applicant with the cause for rejection stated.

[19.15.14.10 NMAC - Rp, 19.15.3.102 NMAC and 19.15.13.1101 NMAC, 12/1/2008: A, 7/29/2025]