

NMAC

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Volume: Issue: Publication date: Number of pages:
21 (ALD Use Only) Sequence No. *C*

Issuing agency name and address:

Agency DFA code:

Contact person's name:

Phone number:

E-mail address:

Type of rule action:

New ☐ Amendment ☒ Repeal ☐ Emergency ☐ Renumber ☐

(ALD Use) Recent filing date:

Title number:

Title name:

Chapter number: Chapter name:

Part number:

Part name:

Amendment description (If filing an amendment):

Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference?

Yes ☐ No ☒

Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received?

Yes ☐

No ☐

Public domain ☐

Specific statutory or other authority authorizing rulemaking:

Notice date(s):

Hearing date(s):

Rule adoption date:

Rule effective date:

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- 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;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

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Please see attached document entitled PFAS Rule Making Order and Reasons for the Action Taken (18 pages total).

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Albert C.S. Chang

Check if authority has been delegated

☐

Title:

Oil Conservation Commission Chair

Signature: (BLACK ink only OR Digital Signature)

Digitally signed by

Albert Chang

Date: 2025.07.15

13:07:02 -06'00'

Date signed:

07/15/2025

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**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
PERFLUOROALKYL AND 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:

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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

~~[C.]~~ D. 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]