

## 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 rules to regulate the venting and flaring of natural gas from oil and natural gas production and gathering facilities. The public hearing will be held on-line and by telephone on January 5, 2021, at 9:00 a.m., and will be continued to the following day(s) if not completed.

**Purpose of Proposed Rules.** The proposed rules regulate the venting and flaring of natural gas from oil and natural gas production and gathering facilities.

**Summary of Proposed Rules.** The Oil Conservation Division (OCD) proposes to adopt two new rules and to amend three existing rules. The new rules are 19.15.27 NMAC, which establishes requirements for operators of oil and gas production facilities to report and reduce the venting and flaring of natural gas; and 19.15.28 NMAC, which establishes requirements for operators of natural gas gathering systems, including gathering pipelines, to report and reduce the venting and flaring of natural gas. The amended rules are 19.15.7 NMAC, to change the name of a form, add new forms, and provide instructions; 19.15.18 NMAC, to remove a provision requiring operators of production facilities an application to file an application to flare natural gas; and 19.15.19 NMAC, to remove two provisions regarding the venting of natural gas at production facilities.

**Legal Authority.** The proposed rules 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), and Section 70-2-12 (enumerating the powers of the OCC and OCD). The public hearing is governed by the OCC's rule on rulemaking proceedings, 19.15.3 NMAC.

**Availability of Proposed Rules.** The full text of the proposed rules is available on the OCD's website, <http://www.emnrd.state.nm.us/ocd>, or by contacting the OCC Clerk, Florene Davidson at [florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us).

**Written Comments.** Any person may submit written comments on the proposed rules no later than January 5, 2021, at 9:00 a.m., unless extended by the OCC, by mail, email, or delivery to the OCC Clerk, Florene Davidson, 2<sup>nd</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). 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.

**Public Hearing.** The public hearing will be held online and by telephone on January 5, 2021, at 9:00 a.m., and will be continued to the following day(s) if not completed. The public hearing will be transcribed and recorded. To access the public hearing on-line via the Webex platform and by telephone:

Online access code: [xxx xxx xxx]  
Online password: [xxxxxxxxxxxx]  
Telephone: [xxx-xxx-xxxx.]

Public comment will be accepted each day of the hearing beginning at 4:00 p.m.

**Proposed Modifications, Technical Testimony, and Cross Examination.** A person who intends to propose a modification to the proposed rules, to present technical testimony at the public hearing, or to cross-examine witnesses at the public hearing must file six copies of a Pre-Hearing Statement conforming to the requirements of 19.15.3.11(B) NMAC, no later than January 5, 2021, at 5:00 p.m. The Pre-Hearing Statement must be filed by mail, email, or delivery to the OCC Clerk, Florene Davidson, 2<sup>nd</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). 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 filing a Pre-Hearing Statement who intends to use projection equipment must contact the OCC Clerk no later than seven business days prior to the public hearing. 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.

**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 rules 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, 2<sup>nd</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). To deliver exhibits to the OCC Clerk, call (505) 476-3200 ext. 1, and an OCC representative will come to the front door.

**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, in order 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](mailto:florene.davidson@state.nm.us), or through the New Mexico Relay Network at 1-800-659-1779, no later than January 5, 2021.

**Technical Information.** OCD consulted the following technical information for the proposed rules, which is available on OCD's website:

New Mexico Energy, Minerals & Natural Resources Department and New Mexico Environment Department, *Report of the Methane Advisory Panel*, Fall 2019.

U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, *Oil and Natural Gas Sector: Hydraulically Fractured Oil Well Completions and Associated Gas During Ongoing Production*, April 2014.

U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, *Oil and Natural Gas Sector: Liquids Unloading Processes*, April 2014.

Colorado Oil and Gas Commission, *Aesthetic and Noise Control Regulations*, 800 Series, September 2014.

Colorado Oil and Gas Commission, *Safety Regulations*, 600 Series, January 2020.

Colorado Oil and Gas Commission, *E&P Waste Management*, 900 Series, January 2020.

Colorado Oil and Gas Commission, *Draft Amendments to E&P Waste Management*, 900 Series, June 2020.

North Dakota Industrial Commission, *Order No. 24665*, July 1, 2014.

North Dakota Industrial Commission, *Required Hearing Exhibit – Gas Capture Plan*, September 16, 2014.

North Dakota Industrial Commission, *APD Gas Capture Plan Required*, October 1, 2014.

North Dakota Department of Natural Resources, *Oil and Gas Update*, October 25, 2018.

North Dakota Industrial Commission, *Frequently Asked Questions Version 1121018*, Undated.

GaffneyCline, *Tackling Flaring: Learnings from Leading Permian Operators*, June 2020.