

State of New Mexico
Energy, Minerals and Natural Resources Department

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NOTICE

VENTING AND FLARING OF NATURAL GAS FROM A WELL OR FACILITY NOT CONNECTED TO A NATURAL GAS GATHERING SYSTEM

May 14, 2021

On Tuesday, May 25, 2021, the Oil Conservation Commission's ("Commission") natural gas waste rule, 19.15.27 NMAC – *Venting and Flaring of Natural Gas*, will go into effect. Venting or flaring of natural gas during drilling, completion, or production operations is prohibited except as authorized in Subsections B, C and D of 19.15.27.8 NMAC. Additionally, the Commission revoked 19.15.18.12 NMAC, and all exceptions approved on form C-129 under that rule are null and void on May 25, 2021.

During the initial implementation period of the rule, and on a temporary basis the OCD may exercise enforcement discretion for venting or flaring from a well or facility that is not connected to a natural gas gathering system. Upon the operator's request, OCD may enter into an Agreed Compliance Order ("Order") with the operator that provides an initial period until January 9, 2022 to eliminate such venting or flaring and may establish enforceable conditions. The OCD in its sole discretion may extend the Order to no later than March 31, 2022 upon a showing of good cause.

Beginning April 1, 2022 operators must begin attaining their natural gas capture requirements, including the final requirement of 98% natural gas capture by December 31, 2026. Entering into an Order will not delay an operator's obligation to comply with these requirements.

To be eligible for an Order, operators must notify OCD in writing **no later than July 9, 2021** by submitting the attached spreadsheet identifying each well and facility not currently connected to a natural gas gathering system and providing the specified information. Submit the spreadsheet to OCD.Engineer@state.nm.us with "Venting and Flaring" in the subject line. Operators who intend to request an Order are encouraged to give notice of their intent to OCD as soon as possible.

Operators who fail to timely request and enter into an Order and vent or flare natural gas from a well or facility that is not connected to a natural gas gathering system may be subject to enforcement action and sanctions, including shut-in, termination of authority to

transport, and civil penalties. OCD will publish a list of operators and ACOs on its website in the Announcements section.