

This is an amendment to 19.15.5 NMAC, Section 9, effective 9/22/2026.

19.15.5.9 COMPLIANCE:

- A.** An operator is in compliance with Subsection A of 19.15.5.9 NMAC if the operator:
- (1) currently meets the financial assurance requirements of 19.15.8 NMAC;
 - (2) is not subject to a division or commission order, issued after notice and hearing, finding the operator to be in violation of an order requiring corrective action;
 - (3) does not have a penalty assessment that is unpaid more than 30 days after issuance of the order assessing the penalty; ~~and~~
 - (4) ~~[has no more than the following number of wells out of compliance with 19.15.25.8 NMAC that are not]~~ currently meets the requirements of 19.15.25.8 NMAC or is subject to an agreed compliance or final order setting a schedule for bringing the wells into compliance with 19.15.25.8 NMAC and imposing sanctions if the schedule is not met; and
~~[(a) two wells or fifty percent of the wells the operator operates, whichever is less, if the operator operates 100 wells or less;~~
~~(b) five wells if the operator operates between 101 and 500 wells;~~
~~(c) seven wells if the operator operates between 501 and 1000 wells; and~~
~~(d) 10 wells if the operator operates more than 1000 wells.]~~
(5) currently meets the requirements of Subsections A to D of 19.15.27.8 NMAC.
- B. Inactive wells.**
- (1) The division shall make available on its website, and update daily, an “inactive well list” listing each well, by operator, that according to division records:
 - (a) shows no production or injection for past ~~[15]~~ 14 months or has had a final determination of no beneficial use under 19.15.25.9 NMAC;
 - (b) does not have its well bore plugged in accordance with ~~[19.15.25.9]~~ 19.15.25.10 NMAC through ~~[19.15.25.11]~~ 19.15.25.12 NMAC;
 - (c) is not in approved temporary abandonment in accordance with ~~[19.15.25.12]~~ 19.15.25.13 NMAC through ~~[19.15.25.14]~~ 19.15.25.15 NMAC; and
 - (d) is not subject to an agreed compliance or final order setting a schedule for bringing the well into compliance with 19.15.25.8 NMAC.
 - (2) A well inactive for more than ~~[15]~~ 14 months creates a rebuttable presumption that the well is out of compliance with 19.15.25.8 NMAC.
- C. Financial assurance.** The division shall make available on its website and update weekly the status of operators’ financial assurance that 19.15.8 NMAC requires, according to division records. [19.15.5.9 NMAC - Rp, 19.15.1.40 NMAC, 12/1/2008; A, 11/30/2016, A, 2/25/2020; A, 9/22/2026]