

This is an amendment to 19.15.9 NMAC, Sections 8 and 9, effective 9/22/2026.

19.15.9.8 OPERATOR REGISTRATION:

A. Prior to commencing operations, an operator of a well or wells in New Mexico shall register with the division as an operator. Applicants shall provide the following to the financial assurance administrator in the division's Santa Fe office:

- (1) an oil and gas registration identification (OGRID) number obtained from the division, the state land office or the taxation and revenue department;
- (2) a current address of record to be used for notice and a current emergency contact name and telephone number for each district in which the operator operates wells; and
- (3) the financial assurance 19.15.8 NMAC requires.

B. Prior to commencing operations, an operator shall provide to the division a certification by a representative designated by the operator that within the past 10 years the new operator has not been subject to any final administrative forfeiture demand from any state or federal agency, has not forfeited financial assurance to any state or federal agency, and has not been out of compliance with an adjudicated order or settlement agreement with a state or federal agency for any state or federal violation related to oil and gas laws or regulations in any domestic jurisdiction in which the new operator does business; a disclosure of any officer, director, partner in the new operator or person with an interest in the new operator exceeding twenty-five percent, who is or was within the past five years an officer, director, partner, or person with an interest exceeding twenty-five percent in another entity that is not currently in compliance with Subsection A of 19.15.5.9 NMAC; and a disclosure whether the new operator is or was within the past five years an officer, director, partner, or person with an interest exceeding twenty-five percent in another entity that is not currently in compliance with Subsection A of 19.15.5.9 NMAC.

~~[B:]~~ **C.** The division may deny registration as an operator if:

- (1) the applicant is not in compliance with Subsection A of 19.15.5.9 NMAC;
- (2) the applicant within the past 10 years has had a final administrative forfeiture demand from any state or federal agency, has forfeited financial assurance to any state or federal agency, or has been out of compliance with an adjudicated order or settlement agreement with a state or federal agency for any state or federal violation related to oil and gas laws or regulations in any domestic jurisdiction in which the applicant does business;

~~[(2)]~~ (3) an officer, director, partner in the applicant or person with an interest in the applicant exceeding twenty-five percent, is or was within the past five years an officer, director, partner or person with an interest exceeding twenty-five percent in another entity that is not currently in compliance with Subsection A of 19.15.5.9 NMAC;

~~[(3)]~~ (4) the applicant is or was within the past five years an officer, director, partner or person with an interest exceeding twenty-five percent in another entity that is not currently in compliance with Subsection A of 19.15.5.9 NMAC; or

~~[(4)]~~ (5) the applicant is a corporation, [or] limited liability company, limited liability limited partnership, or limited partnership and is not registered or is not in good standing with the [public regulation commission] New Mexico secretary of state to do business in New Mexico.

~~[(5)] the applicant is a limited partnership and is not registered with the New Mexico secretary of state to do business in New Mexico.]~~

~~[C]~~ **D.** An operator shall inform the division of its current address of record and emergency contact names and telephone numbers by submitting changes in writing to the division's financial assurance administrator in the division's Santa Fe office within 30 days of the change.

~~[D]~~ **E.** ~~[The division may require an]~~ A representative designated by the operator [or applicant to] [identify] shall certify compliance annually of its current and past officers, directors and partners and its current and past ownership interest in other operators consistent with Paragraphs (2) and (3) of Subsection C of 19.15.9.8 NMAC.

[19.15.9.8 NMAC - Rp, 19.15.3.100 NMAC, 12/01/2008; A, 9/22/2026]

19.15.9.9 CHANGE OF OPERATOR:

A. A change of operator occurs when the entity responsible for a well or a group of wells changes. A change of operator may result from a sale, assignment by a court, a change in operating agreement or other transaction. Under a change of operator, wells are moved from the OGRID number of the operator of record with

the division to the new operator's OGRID number.

B. The operator of record with the division and the new operator shall apply for a change of operator by jointly filing a form C-145 using the division's web-based online application. If the operator of record with the division is unavailable, the new operator shall apply to the division for approval of change of operator without a joint application. The new operator shall make such application in writing and provide documentary evidence of the applicant's right to assume operations; a certification by a representative designated by the operator of the new operator that within the past 10 years the new operator has not been subject to any final administrative forfeiture demand from any state or federal agency, has not forfeited financial assurance to any state or federal agency, and has not been out of compliance with an adjudicated order or settlement agreement with a state or federal agency for any state or federal violation related to oil and gas laws or regulations in any domestic jurisdiction in which the new operator does business; a plugging and abandonment plan; a disclosure of any officer, director, partner in the new operator or person with an interest in the new operator exceeding twenty-five percent, who is or was within the past five years an officer, director, partner, or person with an interest exceeding twenty-five percent in another entity that is not currently in compliance with Subsection A of 19.15.5.9 NMAC; and a disclosure whether the new operator is or was within the past five years an officer, director, partner, or person with an interest exceeding twenty-five percent in another entity that is not currently in compliance with Subsection A of 19.15.5.9 NMAC. The new operator shall not commence operations until the division approves the application for change of operator. The plugging and abandonment plan shall be certified by a representative designated by the new operator and shall demonstrate that the new operator has and will have the financial ability to meet the plugging and abandonment requirements of 19.15.25 NMAC for the well or wells to be transferred in light of all the operator's assets and liabilities. The division may request the operator to provide additional information including corporate credit rating, corporate financial statements, long-term liabilities, reserves and economics report, records of the operator's historical costs for decommissioning activities, estimate of the operator's decommissioning obligations, and history of inactive wells and returning wells to production.

C. The director or the director's designee may deny a change of operator if:

- (1) the new operator is not in compliance with Subsection A of 19.15.5.9 NMAC ~~or~~

~~[(2) the new operator is acquiring wells, facilities or sites subject to a compliance order requiring remediation or abatement of contamination, or compliance with 19.15.25.8 NMAC, and the new operator has not entered into an agreed compliance order setting a schedule for compliance with the existing order].~~
- (2) within the past 10 years the new operator has had a final administrative forfeiture demand from any state or federal agency, has forfeited financial assurance to any state or federal agency, or has been out of compliance with an adjudicated order or settlement agreement with a state or federal agency for any state or federal violation related to oil and gas laws or regulations in any domestic jurisdiction in which the new operator does business;
- (3) any officer, director, partner in the new operator or person with an interest in the new operator exceeding twenty-five percent, who is or was within the past five years an officer, director, partner, or person with an interest exceeding twenty-five percent in another entity that is not currently in compliance with Subsection A of 19.15.5.9 NMAC;
- (4) the new operator is or was within the past five years an officer, director, partner, or person with an interest exceeding twenty-five percent in another entity that is not currently in compliance with Subsection A of 19.15.5.9 NMAC;
- (5) the applicant is a corporation, limited liability company, limited liability limited partnership, or limited partnership and is not registered or is not in good standing with the New Mexico secretary of state to do business in New Mexico; or
- (6) the certification or disclosure requirements set forth in Subsection B of this section disclose a substantial risk that the new operator would be unable to satisfy the plugging and abandonment requirements of 19.15.25 NMAC for the well or wells the new operator intends to take over.

D. In determining whether to grant or deny a change of operator when the new operator is not in compliance with Subsection A of 19.15.5.9 NMAC, 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.

E. No well, facility or site that is out of compliance with Subsection A of 19.15.5.9 NMAC, 19.15.29 NMAC, or 19.15.30 NMAC shall be transferred unless, prior to transfer, the current operator brings the associated well, facility or site into compliance or the new operator submits a schedule of compliance approved by the division.
[19.15.9.9 NMAC - Rp, 19.15.3.100 NMAC, 12/01/2008; A, 9/22/2026]