OCC Hearing Exhibit 37

From:	Davidson, Florene, EMNRD
To:	Salvidrez, Marlene, EMNRD
Subject:	FW: [EXT] Providing public testimony for 7/30 OCD rulemaking
Date:	Tuesday, July 21, 2020 10:08:57 AM

Good morning! To be scanned into Case 21281. Thanks!

From: Rebecca Sobel <rsobel@wildearthguardians.org>
Sent: Monday, July 20, 2020 12:52 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] Providing public testimony for 7/30 OCD rulemaking

Ms. Davidson,

I would like to provide public testimony during the 7/30 & 7/31 OCD rulemaking regarding produced water.

Please confirm receipt let me know if you require any other action other than this email. If possible, I would like any information regarding the format of the hearing and public comment section.

Thank you for your work, Rebecca

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STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION TO AMEND THE COMMISSION'S RULES FOR PRODUCED WATER IN 19.15.2, 19.15.16, AND 19.15.34 NMAC; STATEWIDE

CASE NO. 21281

MARATHON OIL PERMIAN LLC'S PRE-HEARING STATEMENT

Marathon Oil Permian LLC ("Marathon") submits this Pre-Hearing Statement for the above-referenced case pursuant to the rules of the Oil Conservation Commission and to provide notice that Marathon intends to present oral comments at the hearing.

I. STATEMENT OF CASE

In Case No. 21281, the New Mexico Oil Conservation Division (OCD) proposes to (1) amend 19.15.2.7 NMAC to conform the definition of "produced water" with the definition found in the Oil and Gas Act, NMSA 1978, §70-2-33(K) (2019); (2) amend 19.15.16 NMAC to add a section requiring the filing of a water use report for a hydraulically fractured well that provides the portion of the water used in fracturing which is potable, nonpotable, or recycled produced water; and (3) amend 19.15.34 NMAC to conform the language in 19.15.34 NMAC to the legislative changes in Laws 2019, chapter 197 (HB 546) concerning produced water.

II. ORAL COMMENTS

Jennifer Bradfute, Senior Attorney for Marathon intends to provide oral comments in support of the proposed rule amendments as well as to discuss the purpose and intent of the Produced Water Act. Ms. Bradfute was involved in the legislative process that culminated in the Produced Water Act. She does not intend to present any exhibits. Ms. Bradfute's comments are anticipated to take approximately 20 minutes.

Her name, telephone number, and email address are as follows:

Jennifer Bradfute Marathon Oil Permian LLC 505-264-8740 Jbradfute@marathonoil.com Respectfully submitted,

By: Mema M. Bennett

Deana M. Bennett MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A. Post Office Box 2168 500 Fourth Street NW, Suite 1000 Albuquerque, New Mexico 87103-2168 Telephone: 505.848.1800 Deana.bennett@modrall.com

And

By: <u>s/Jennifer Bradfute</u> Jennifer Bradfute Marathon Oil Permian LLC Senior Attorney 5555 San Felipe Street Houston, TX 77506 505-264-8740 Jbradfute@marathonoil.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on counsel of record by electronic mail on July 23, 2020:

The New Mexico Oil Conservation Division:

Cheryl Bada Energy, Minerals, and Natural Resources Department 1220 South St. Francis Drive Santa Fe, New Mexico 87505 505-476-3214 Cheryl.bada@state.nm.us

New Mexico Oil and Gas Association:

Michael H. Feldewert Adam G. Rankin Kaitlyn Luck PO Box 2208 Santa Fe. New Mexico 87504 <u>mfeldewert@hollandhart.com</u> <u>agrankin@hollandhart.com</u> <u>kaluck@hollandhart.com</u>

WildEarth Guardians:

Daniel L. Timmons Samantha Ruscavage-Barz 301 N Guadalupe St. Santa Fe, NM 87504 dtimonns@wildearthguardians.org sruscavagebarz@wildearthguardians.org

The Rio Grande Chapter of the Sierra Club:

Doug Meiklejohn Charles de Saillan Gail Evans Eric Jantz 1405 Luisa Street, Suite # 5 Santa Fe, NM 87505 <u>dmeiklejohn@nmelc.org</u> <u>cdesaillan@nmelc.org</u>

<u>New Energy Economy:</u>

Mariel Nanasi 343 East Alameda St. Santa Fe, NM 87501-2229 mariel@seedsbeneaththesnow.com

By: Deena M. Bennett

Deana M. Bennett

For Case 21281. Thank you, Mar.

From: Judith STANELY <j.stanley@comcast.net>
Sent: Friday, July 24, 2020 3:30 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] Hearings on Produced Water July 30-31

Dear Ms. Davidson,

I would like to offer public comments during the July 30-31 hearings on produced water.

Thank you,

Judith Stanley Santa Fe Please sign me up.

Thanks, Carter Beckett 983-5457

From:	Jon Carver
To:	Davidson, Florene, EMNRD
Subject:	[EXT] Public comment at July 30 9 am OCC Proposal Zoom meeting
Date:	Tuesday, July 28, 2020 2:10:25 AM

Hello, I would like to be included in the public comment section of the OCC Proposal Zoom meeting on July 30, 2020 at 9 am. My name is Jon Carver and I have lived in Lamy, NM since 1999. Please email me the meeting link and confirm that I will have a chance to attend and comment. Thank you, Jon

From:	Erica Belle Benedetti
То:	Davidson, Florene, EMNRD
Subject:	[EXT] Request for public statement
Date:	Monday, July 27, 2020 5:28:34 PM

Hello,

Id like to make a public statemeny for the 7/30 or 7/31 hearing on fracking. Please let me know when I can plan for. Thank you. 1

-----Original Message-----From: Mary Koponen <emmykoponen@gmail.com> Sent: Tuesday, July 28, 2020 11:41 AM To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us> Subject: [EXT] Public comment

I would like to attend the produced waste water hearings on the 30 or 31. I would be on my cell phone and would like to comment. 607 229 0574. There is a possibility I could be on my iPad. Thank you, emmy

If solutions within the system are so impossible to find, maybe we should change the system itself. Greta Thunberg

From:	Davidson, Florene, EMNRD
To:	Salvidrez, Marlene, EMNRD
Subject:	FW: [EXT] Science Journalist & Author Seeking to Make Comment At Thursday"s Public Hearing on Oil & Gas Produced Water, Documents Attached
Date:	Tuesday, July 28, 2020 1:53:08 PM
Attachments:	Peter Gray_NORM Contamination in the Petroleum Industry, 1993_Society of Petroleum Engineers.pdf
	1982 API Analysis of RADIONUCLIDES in oil and gas industry.pdf

From: Justin Nobel <justinnobel@gmail.com>
Sent: Tuesday, July 28, 2020 12:22 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] Science Journalist & Author Seeking to Make Comment At Thursday's Public Hearing on Oil & Gas Produced Water, Documents Attached

Dear Florene,

I hope this note finds you well. I write on issues of science and the environment for a number of different US magazines and investigative sites and for the past three years I have been researching and reporting on the topic of the radioactivity brought to the surface in oil and gas production and the many different pathways of contamination posed to the industry's workers, the public and communities and the environment. It's a complex and farreaching topic. In January I published a lengthy article with Rolling Stone magazine, <u>America's Radioactive Secret</u>, and I am presently working on a book to be published with Simon & Schuster. In my reporting and research I have gained a significant expertise in the topic of oilfield waste, including waste streams such as produced water, and I am looking to join the list of commenters for the **Thursday July 30th Public Hearing on the Proposed Rule Regarding Oil & Gas Industry Produced Water**.

Attached are two important early oil and gas industry documents that I plan to refer to in my comments. If you could please make sure these documents are made available to the public and members of the Commission. I will submit my written comments upon making my statement, as appropriately directed by you. Please let me know if you have any additional questions.

Thanks very much for your time and attention.

Sincerely, Justin Nobel

Justin Nobel 985-415-5891 www.justinnobel.com

From: Joan Brown,osf <joankansas@swcp.com>
Sent: Tuesday, July 28, 2020 1:58 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>; joan m brown
<joankansas@swcp.com>
Subject: [EXT] Fwd: registering to comment on OCD produced water

Please register me for the OCD hearing on July 30 and 31. I would like to make a comment, but need to know the time frame for comments. Thursday afternoon after 3:30 or Friday morning would work best. Please let me know how this works.

Peace and good, Sr. Joan Brown

Joan Brown,osf Executive Director New Mexico Interfaith Power and Light (NMIPL)

New Mexico Interfaith Power and Light PO Box 27162 Albuquerque, NM 87125 505-266-6966 <u>www.nm-ipl.org</u> info@nm-ipl.org

1004 Major Ave. NW. Albuquerque, NM 87107 joanbrown@nm-ipl.org

"There is no inner world without the outer world." Thomas Berry, Author of The Great Work

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This email has been checked for viruses by Avast antivirus software. <u>https://www.avast.com/antivirus</u>

From:	Patrice Mutchnick
То:	Davidson, Florene, EMNRD
Subject:	[EXT] Amendment to Produced Water Rule
Date:	Tuesday, July 28, 2020 5:47:26 PM

I would like to make public comment at a time convenient to me on July 30th, as part of the public meeting: Produced Water Rule Making Hearing Meeting number: 967 682 712 . Thank you, Patrice Mutchnick 575-536-3879

Artemisio Romero y Carver
Davidson, Florene, EMNRD
[EXT] Public Comment.
Tuesday, July 28, 2020 8:18:31 PM

My name is Artemisio Romero y Carver, I live at 20 Chabacanos Canyon, Lamy, NM 87540. I would like to give a spoken public comment at the Oil Conservation Commission's virtual hearing on July 30th. Please let me know if you need anything else from me.

Thank you for your time

Hello Florene,

I would like to participate and provide public comments to the program you are about to have. I am available most of Thursday and Friday. I worked 20 years as an energy industry (oil & gas & coal) industry and have done considerable research on produced water as an industrial water treatment chemist.

Norman Norvelle, BS, MS, Registered Environmental Health Scientist Emeritus .

Sent from Mail for Windows 10

From: susan selbin <sselbin@hotmail.com>
Sent: Tuesday, July 28, 2020 9:27 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Cc: susan selbin <sselbin@hotmail.com>
Subject: [EXT] 7/30 Sign up to make comment - OCD Produced Water Hearing

Please add me to the comment list.

Thank you, Susan Selbin

From:	Lynn Allen
То:	Davidson, Florene, EMNRD
Subject:	[EXT] comment on the Proposed Produced Water Rule change
Date:	Wednesday, July 29, 2020 12:13:10 AM

I would like to make a short comment on this online. I am a New Mexican citizen living in New Mexico. I am requesting to make my comment after 3:30 pm, Thank you for your work and cooperation. Lynn K Allen 505-316-1216 Text or voice ok <u>lynnkallen@gmail.com</u>

From:	<u>Clifton Bain</u>
То:	Davidson, Florene, EMNRD
Subject:	[EXT] Produced water hearing
Date:	Tuesday, July 28, 2020 10:30:14 PM

I would like to testify on the proposed rule during this virtual hearing. Please let me know what my options are regarding this.

Thank you,

Clifton Bain Arroyo Hondo, NM 21281.

From: Melissa Troutman <mtroutman@earthworksaction.org>
Sent: Wednesday, July 29, 2020 8:29 AM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] Public comment - produced water hearing

Hello, I hope you are well.

I would like to give public comment on July 30th regarding OCD's proposed produced water rule.

Please let me know what times are available. I am in the east coast, so prior to 5pm Eastern would be best for me.

Thank you,

Melissa Troutman Policy Analyst, Earthworks

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=== EARTHWORKS: Protecting Communities and the Environment

Melissa Troutman, Research & Policy Analyst (she/her) 1612 K St. NW, Suite 904 Washington, DC 20006 <u>mtroutman@earthworks.org</u> Work: (202) 887-1872 x. 132 Mobile: 724-388-0464 Twitter: <u>@melissat22 @earthworks</u>

From: Ean Tafoya <eantafoya@greenlatinos.org>
Sent: Wednesday, July 29, 2020 10:51 AM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] Public comment produced water

I would like to make public comment.

Ean Thomas Tafoya

From: gabriella <texterella@gmail.com>
Sent: Wednesday, July 29, 2020 11:54 AM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] Public comment regarding "produced water" rule

Greetings,

I would like to make a public comment regarding the "produced water" rule tomorrow, Thursday, July 30.

I'm available between 10:30-11:30am if that timeframe is available.

Thank you,

Gabriella Marks

-----Original Message-----From: Mogle <mogle@zianet.com> Sent: Wednesday, July 29, 2020 11:25 AM To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us> Subject: [EXT] Schedule a slot to comment tomorrow

Dear Ms Davidson,

I would like to provide public comment on the Produced Water Rule. May I please schedule a time tomorrow 30 July 2020, preferably early afternoon?

Thank you, Mary Ogle 343B County Road 84C Jaconita NM 87506

Sent from my iPad

From: Madeleine Carey <madeleine.carey@gmail.com>
Sent: Wednesday, July 29, 2020 12:06 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] I'd like to give public comment at the OCD hearing tomorrow, thank you!

Madeleine Carey 'HA' Graduate United States Pony Clubs (USPC) 505-417-5893

From:	Gene Harbaugh
То:	Davidson, Florene, EMNRD
Subject:	[EXT]
Date:	Wednesday, July 29, 2020 12:13:14 PM

I would like to make a public comment at the produced water hearing tomorrow. I will email a copy in advance. Gene Harbaugh, 601 E. Orchard, Carlsbad,nm.

Hello,

I would like to sign up to give public comment in tomorrow's hearing.

Thank you, Oliver Hillenkamp

From: Jeffrey Haas <jeffreyhaas42@gmail.com>
Sent: Wednesday, July 29, 2020 12:57 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] GIVING TESTIMONY AT OCD HEARING TOMORROW

FLORENE, I WOULD LIKE TO TESTIFY AGAINST AMENDMENT TO ALLOW FRACKED WASTE WATER FROM BEING USED OUTSIDE THE OIL FIELDS. I AM AVAILABLE BETWEEN 9AM AND 11AM TOMORROW. THANK YOU, JEFFREY HAAS 505-469-0714 PLEASE LET ME KNOW HOW LONG I WILL HAVE TO PRESENT,

From:	Pamela Canyon Rivers
To:	Davidson, Florene, EMNRD
Subject:	[EXT] Testifying request at Thursday hearing
Date:	Wednesday, July 29, 2020 12:34:47 PM

If I can testify by phone instead of zoom because I don't have hi speed internet where I live in Pecos, then please give me a time slot. Thank you. Pamela Marshall 505-426-7619

Sent from my iPhone

From: Joyce Bogosian <joycebogosian@gmail.com>
Sent: Wednesday, July 29, 2020 1:51 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] Produced Water Hearing

Hi Florene,

Please put me on the public comment list on July 30th anytime between 10:30 a.m.- 12:30 p.m.

Thank you! Joyce Bogosian Santa Fe, NM

-----Original Message-----From: Sandra Wheeler <wheelsand@yahoo.com> Sent: Wednesday, July 29, 2020 1:18 PM To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us> Subject: [EXT] Public comment at OCD meeting

Ms. Davidson,

Please include me in the public comments on fracked water. Thank you.

Sandra Wheeler 505-635-6795

Sent from my iPhone

From: bakohlluz@cybermesa.com <bakohlluz@cybermesa.com>
Sent: Wednesday, July 29, 2020 1:42 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] Comment, OCD hearing, 7/30, 9 am

Greetings, Florene.

I would like to comment at Oil Conservation Division hearing on Thursday, July 30, 9 am.

Thanks and happy Wednesday, July 29, 2020

Barbara

Barbara A Kohl, phd

Exquisite Wordcraft 2932 Palomas Dr NE Albuquerque, NM 87110 USA

+1-505-974-0328 (mobile) bakohlluz@cybermesa.com kohlb577@gmail.com

From: Nick King <Carlsbadmennonite@gmail.com>
Sent: Wednesday, July 29, 2020 3:21 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] Interest in attending and speaking at OCC mtg July 30

If it is not too late, I would be interested in attending and speaking at the OCC meeting tomorrow July 30 at 9 AM. I have been given the webex link, so hope it works out and that it is a good meeting. Let me know. Thanks, Nick

Nicholas King, pastor Carlsbad Mennonite Church www.CarlsbadMennonite.org 575 887 5104 575 887 0606 cel.

Continuing to build God's Kingdom

From: yang toledo <1023toledo@gmail.com>
Sent: Wednesday, July 29, 2020 3:43 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] Public Comment

Hello My name is Yang,

I would like to sign up to give public comment at the Produced Water Hearing taking place July 30, 2020.

Please send me further information.

Thank you for your time and consideration.

Yang

From:	Sharon Argenbright
To:	Davidson, Florene, EMNRD
Subject:	[EXT] Provide Public Comment Please at Hearing July 30/31 Fracked Water
Date:	Wednesday, July 29, 2020 3:43:18 PM

Dear Florene Davidson,

I would like to provide public comment at the hearing on putting fracked water into our general water system July 30 or July 31. I will follow proceedings and be available when it is my time to speak.

Thank you,

Sharon Argenbright

From:	grietje laga
То:	Davidson, Florene, EMNRD
Subject:	[EXT] Request to give public comment
Date:	Wednesday, July 29, 2020 3:57:39 PM

Hello,

I am kindly requesting the opportunity to give public comment during the Fracked Waste hearing tomorrow and/or Friday.

Thank you,

grietje laga-

From: Patricia Sheely <patsheely@gmail.com>
Sent: Wednesday, July 29, 2020 4:19 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] Produced Water Reuse Hearing

Ms. Davidson,

I would like to speak before the OCC on Thursday.

Patricia Sheely 604 Jeff King Street Gallup, NM 505-722-7564 patsheely@gmail.com

From:	Davidson, Florene, EMNRD
То:	Salvidrez, Marlene, EMNRD
Subject:	FW: [EXT] Produced Water Hearing
Date:	Wednesday, July 29, 2020 4:20:49 PM

From: Seneca Johnson <senecasjo@gmail.com>
Sent: Wednesday, July 29, 2020 4:19 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] Produced Water Hearing

Hello,

My name is Seneca Johnson and I would like to give public comment at tomorrow's hearing. You can reach me at my email here or my phone number, (505) 930-6204.

Thank you so much!

Seneca

From: denton mccullough <dentonmccullough@hotmail.com>
Sent: Wednesday, July 29, 2020 4:08 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] OCC Produced Water Regulations

I would like to comment on the Produced Water Regulations tomorrow. Thank you, Denton McCullough 575-200-7432

Get Outlook for Android

From: Josue Damian-Martinez <josued2@gmail.com>
Sent: Wednesday, July 29, 2020 4:19 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] RE: Public Comment Hearing July 30

Hello,

My name is Josue Damian Martinez and I am requesting to give a public comment at the hearing on July 30th.

Thank you,

Josue

From: Ruth Striegel <ruth.striegel@gmail.com>
Sent: Wednesday, July 29, 2020 4:30 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Subject: [EXT] hearing on produced water

Dear Ms. Davidson,

I would like to speak at the produced water reuse hearing.

Thank you, Ruth Striegel, Albuquerque

From:	<u>Noah Tp</u>
То:	Davidson, Florene, EMNRD
Subject:	[EXT] testifying on the produced water rule
Date:	Wednesday, July 29, 2020 4:37:25 PM

Hello, My name is Noah Tamas-Parris. I'm a student at St.John's College Santa Fe, and I'd like to testify regarding the NM Oil Conservation Division's proposed amendment to the produced water rule in the hearing tomorrow on July 30th.

Thank you.

Hello,

My name is Wendy Atcitty and would like to share a comment on July 30th for the OCC virtual public hearing.

Sincerely,

--Wendy Atcitty