

The State of New Mexico Oil Conservation Commission

Meeting

Moderated by Commissioner Gerasimos Razatos
Thursday, May 15, 2025
9:13 a.m.

Remote Proceeding

Energy, Minerals and Natural Resources Department

Oil Conservation Division

1220 South Saint Francis Drive,

Santa Fe, NM 87505

Reported by: Amsale Maxwell

JOB NO: 7359057

A P P E A R A N C E S

List of Attendees:

Gerasimos Razatos, Commissioner, Acting Director and
Chair (by videoconference)

Gregory Bloom, Commissioner (by videoconference)

William Ampomah, Commissioner

Zachary Shandler, Commission Counsel

Adam Rankin, Esquire, Holland & Hart LLP, Attorney for
XTO

Deana Bennett, Esquire, Attorney for EOG Resources

Jesse Tremaine, Esquire, Attorney for New Mexico Oil
Conservation Division

Tim Davis, Esquire, Staff Attorney for WildEarth
Guardians

Mariel Nanasi, Esquire, Attorney for New Energy
Economy

William Dacus, Wells Manager for XTO Energy

Tanner Olson, Wells Engineering Supervisor for XTO
Energy for Delaware Basin

Sheila Apodaca, Law Clerk, EMNRD

Chris Moander, EMNRD

Jordan Kessler, Esquire, Attorney for EOG Resources

Felicia Orth, Hearing Officer

Charlie Andrews, Attendant

Medai Corral, EMNRD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S (Cont'd)
List of Attendees (Cont'd):
Stephanie Meadows, Attendant
Gwendolynne Frost, Attendant
Stephen D. Richardson, Attendant
J. Redfern, Attendant
Andrea Felix, Attendant
Brandon Powell, EMNRD
Hannah Grover, NM Political Report
Novita, Attendant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

THE COMMISSIONER: Good morning to everybody. Can you hear me in Pecos Hall?

UNIDENTIFIED SPEAKER: Yes, we hear you.

THE COURT: Awesome. Thank you. Appreciate it.

Today is May the 15th, 2025. It is 9 a.m.

Do we have a court reporter with us for transcription?

THE REPORTER: Yes, I'm present.

THE COMMISSIONER: Awesome. Thank you. Appreciate your efforts today.

As I mentioned, this is the May 15th agenda. I apologize, I'm going to be remote as well, and so is Commissioner Bloom. Commissioner Ampomah is in Pecos Hall.

Thank you, Commissioner Ampomah. We appreciate it.

And Mr. Shandler is also with us.

So please bear with me as I'm working remotely for this. We do need to do roll call. So as I mentioned, I am Gerasimos Razatos; I am the acting director for the Oil Conservation Division. I am also

1 the acting chair for the Oil Conservation Commission.
2 And I will -- actually, let's keep it on Teams first.
3 I will transfer it over to Commissioner Bloom.

4 MR. BLOOM: All right. Thank you,
5 Mr. Chair. Can you hear me okay?

6 THE COMMISSIONER: Yes, we can.

7 MR. BLOOM: Oh, great. Thank you.

8 Hey, good morning everyone. I'm Greg
9 Bloom, and I am the designee of the Commissioner of
10 Public Lands. Thank you.

11 THE COMMISSIONER: Thank you.

12 And Commissioner Ampomah?

13 DR. AMPOMAH: I am Dr. William Ampomah,
14 professor at New Mexico Tech, and also designee of the
15 Energy Secretary.

16 THE COMMISSIONER: Excellent. Thank
17 you, Doctor. Appreciate it.

18 So we are all present for this meeting.

19 So our next agenda item is the approval
20 of the May 15, 2025, agenda. If we could get a motion
21 to approve. Or before we -- any questions,
22 Commissioners, on the May 15th agenda?

23 MR. BLOOM: No questions, and I would
24 move to adopt it.

25 THE COMMISSIONER: Okay.

1 DR. AMPOMAH: And I so can.

2 THE COMMISSIONER: Excellent. Great.
3 So our May 15th agenda has been approved.

4 We also now need to do the approval of
5 our meeting minutes, first for the meeting minutes for
6 April 7th through the 11th of 2025, and then the
7 meeting minutes for April 21st through 25th of 2025.

8 Commissioners, any questions on the
9 meeting minutes?

10 MR. BLOOM: Mr. Chair, I think you
11 spent the, the bulk of both those weeks on the Empire
12 Midstream case.

13 THE COMMISSIONER: Yes.

14 MR. BLOOM: So I think I would let you
15 and Dr. Ampomah move the motion and vote on that, and
16 I'll sit that out.

17 THE COMMISSIONER: Okay. Thank you,
18 Commissioner.

19 Dr. Ampomah, did you have any questions
20 on the meeting minutes themselves?

21 DR. AMPOMAH: No, I did not. It all
22 looks good, so I will move for the adoption of the
23 minutes.

24 THE COMMISSIONER: Okay. And then I
25 will second the adoption of the minutes. So the

1 April 7th through 11th and April 21st through 25th
2 meeting minutes have been accepted and approved.

3 So Sheila, if you can jot that down for
4 us, please.

5 Okay. Next we go into our pending
6 cases. Our first case today is case number 25297.
7 It's the application of XTO Permian Operating LLC for
8 exceptions to the well casing program requirement
9 under order number R-111-Q in Eddy County, New Mexico.
10 This is a status conference.

11 Are all parties present for this?

12 MR. RANKIN: Good morning, Mr. Chair.
13 Commissioners Adam Rankin appearing on behalf of the
14 applicant. XTO Permian Operating LLC with the Santa
15 Fe office of Holland & Hart. Good morning.

16 THE COMMISSIONER: Thank you,
17 Mr. Rankin. Good morning. Appreciate it.

18 And Mr. Tremaine, are you also
19 appearing?

20 MR. TREMAINE: Good morning, Mr. Chair,
21 Commissioners. This is Jesse Tremaine for the Oil
22 Conservation Division. We have not yet entered
23 appearance in this case. I believe I do intend to do
24 so, and we will at least comment or observe. I'm
25 determining whether we're going to present any form of

1 case.

2 THE COMMISSIONER: Okay. Excellent.
3 Is there anybody else that is in this particular case,
4 maybe, that's on the platform today?

5 Someone unmuted themselves. Oh, there
6 we go.

7 MR. DACUS: Sorry. One moment. Just
8 here. Will Dacus; I'm the wells manager for XTO
9 Energy.

10 MR. OLSON: And then Tanner Olson; I'm
11 the wells engineering supervisor for XTO Energy for
12 Delaware Basin.

13 THE COMMISSIONER: Excellent. Thank
14 you, gentlemen. Appreciate it.

15 Anybody else? Okay. No one else.

16 So, Mr. Rankin, this is a status
17 conference. So let's see, where we're at.

18 MR. RANKIN: Thank you, Mr. Chair,
19 Commissioners. At this point, we're just asking for
20 this case to be set before the Commission on the
21 merits so we can present the bases for the requested
22 exemptions. And so at the earliest convenience to the
23 Commission, we would ask that this case be set for
24 hearing so the matter can be heard and hopefully the
25 case can be taken under advisement and approved as

1 requested.

2 THE COMMISSIONER: Okay. Excellent.

3 I guess, Sheila, when is our next
4 available opening that we have? How does the June
5 docket look?

6 MS. APODACA: We have one evidentiary
7 hearing on June 24th.

8 THE COMMISSIONER: Okay. So it is an
9 evidentiary hearing. Correct?

10 MS. APODACA: Yes.

11 THE COMMISSIONER: And did they
12 indicate, by any chance, how long they thought it was
13 going to take?

14 MS. APODACA: They have not. We don't
15 have the pre-hearing statements yet. It's a de novo
16 appeal.

17 THE COMMISSIONER: And what does July
18 look like?

19 MS. APODACA: July is -- is pretty
20 open.

21 THE COMMISSIONER: Okay. So just
22 because, Mr. Rankin, sometimes these things take a
23 little longer, maybe we could put you on the July
24 docket?

25 MR. RANKIN: May I ask Ms. Apodaca what

1 the de novo case is for June 24th?

2 MS. APODACA: -- to look it up. I know
3 that it is the American Energy Resources who filed the
4 de novo.

5 THE COMMISSIONER: Mr. Tremaine, do you
6 know what that case is?

7 MR. TREMAINE: That's the case with the
8 multiple motions to strike counsel and the title
9 argument --

10 THE COMMISSIONER: Oh, yes, yes.

11 MR. TREMAINE: -- between
12 Mr. Samaniego and the company whose name I cannot
13 recall.

14 THE COMMISSIONER: Oh, yes, yes, yes.
15 Correct.

16 MR. TREMAINE: So at the division
17 hearing below, I believe those legal arguments wrapped
18 in about 30 minutes. That being said, Mr. Samaniego
19 isn't here. I don't want to make any representations
20 as to his case.

21 THE COMMISSIONER: Correct.

22 Mr. Rankin, I understand for the sake
23 of expediency we like to do things as fast as we
24 possibly can. That particular case may be a little
25 more difficult, so it may still behoove you to just

1 take the July docket. I think it may be faster.

2 MR. RANKIN: Understood. I appreciate
3 not wanting to overload the Commission's docket. I
4 will just say for the benefit of the client that they
5 have these wells sitting, and they've been sitting for
6 some time and unable to produce, and so we would like
7 to be able to move forward as quickly as possible, and
8 if that means presenting the matter in July, then
9 that's what we'll do.

10 THE COMMISSIONER: Just due to the
11 contentious nature for the case in June, I think it
12 may actually be expedited if you just waited until
13 July. I really do believe that it -- I know it's an
14 extra month, and I apologize. I don't mean to be that
15 way. It's just the way that case could be. I think
16 July would be your better bet, and then, at least
17 since the docket is open, you know, yours would take
18 priority.

19 MR. RANKIN: Mr. Chair, if something
20 changes between now and June 24th, for an advance of
21 the final agenda for June 24th, if it's possible to
22 get this matter heard on that docket rather than the
23 July docket, if something with the de novo case goes
24 away or resolves itself or it turns out it's going to
25 be a shorter argument, we would really appreciate it,

1 if at all possible, that we could be slotted onto the
2 June 24th docket, if that would work.

3 THE COMMISSIONER: I think that's
4 reasonable. So just keep in touch with Sheila on that
5 one.

6 And, Sheila, just let's keep a
7 memorandum in case something does happen with that
8 case, then we can reach out to Mr. Rankin for this
9 particular case and move it up a month.

10 Would you be able to do it that
11 quickly, Mr. Rankin, if we found out to be able to
12 move it up a month like that?

13 MR. RANKIN: I'm looking at the
14 gentlemen on the screen, and I believe the answer is
15 yes.

16 THE COMMISSIONER: They're nodding. I
17 see their heads nodding yes.

18 MR. RANKIN: Yes.

19 THE COMMISSIONER: So okay --

20 MR. OLSON: This is Tanner. Yeah,
21 that's right.

22 THE COMMISSIONER: Okay. Great. Thank
23 you, gentlemen. So let's do it like that. If we get
24 any changes with that particular case that's set for
25 June 24th and it goes away or it gets shortened for

1 whatever reason, we'll contact you and we'll bump you
2 up. Okay?

3 MR. RANKIN: I very much appreciate it.
4 I know XTO does as well. Thank you very much.

5 THE COMMISSIONER: Excellent. Thank
6 you. Appreciate it. Anything else on this particular
7 case?

8 MR. RANKIN: Nothing from me,
9 Mr. Chair.

10 THE COMMISSIONER: Okay, excellent.
11 Then we'll we can move on. Thank you. We can move on
12 to our next case.

13 Our next case is --

14 MR. BLOOM: Mr. Chair?

15 THE COMMISSIONER: Did I mess up --

16 MR. BLOOM: If you allow me,
17 Mr. Tremaine, I would find it helpful, potentially, if
18 the OCD would look at this case. We're looking at
19 exceptions to wellbore design, if my memory serves me.
20 I read through this a few days ago. I saw where, I
21 believe, it was XTO mentioned that BLM was good with
22 the proposal, but if the OCD were to take a look at
23 this and opine, that might be helpful for the
24 Commission.

25 MR. TREMAINE: Thank you, Mr. Chair --

1 or Commissioner Bloom. I can clarify. I didn't mean
2 to be cryptic. The Division has engaged with XTO on
3 this, and just reviewed the plan already, has
4 discussed this with XTO in advance, and actually those
5 conversations gave rise to the application to the
6 Commission for the exceptions. What I'm working on
7 with our technical staff is whether there's going to
8 be any smaller issues on which we need to present an
9 affirmative case. It was the Division's perspective
10 that, because of the order of events, that I won't
11 belabor now, the timing of when things happened, that
12 it was necessary to come back to the Commission. That
13 was one of our requests.

14 For the most part, the technical team
15 is okay with what's been proposed so far, and I'm
16 intentionally understating that to reserve our ability
17 to present any case. So I don't believe that we are
18 going to be coming in and presenting any strong
19 opposition, probably cross-examination and
20 participation, but it is something that's already been
21 reviewed, and I will work with our staff to make sure
22 that a representative of OCD is available to indicate
23 as such and describe their technical review for the
24 Commission.

25 MR. BLOOM: Yes. Thank you,

1 Mr. Tremaine. Something along those lines will be
2 helpful, and/or if the OCD would provide XTO with some
3 sort of document or anything else they could present
4 to us that shows that the OCD has no issue with the
5 proposals, would be helpful. Thank you.

6 THE COMMISSIONER: Excellent. Any
7 other questions?

8 Commissioner Ampomah, did you have any
9 questions for this particular case before we move on?

10 DR. AMPOMAH: No. Not -- thank you.

11 THE COMMISSIONER: Okay. Excellent.

12 Okay. If nothing else, thank you,
13 gentlemen. Appreciate it.

14 Mr. Rankin, thank you as well.

15 Okay. So we'll move on to our next
16 case, which is case number 23580. It's the
17 application to amend the Commission's rules to address
18 perfluoroalkyl and polyfluoroalkyl substances and
19 their use in oil and gas extraction under 19.15.2,
20 19.15.7, 19.15.14, 19.15.16, 19.15.25 of the New
21 Mexico Administrative Code. This is WildEarth
22 Guardians and New Energy Economy's joint motion for
23 clarification.

24 Are all parties present? I can see you
25 all. I think you're present, but let's make sure

1 everybody's present.

2 MR. DAVIS: Good morning,
3 Commissioners. This is Tim Davis with WildEarth
4 Guardians.

5 MS. NANASI: Good morning,
6 Commissioners. Mariel Nanasi on behalf of New Energy
7 Economy.

8 THE COMMISSIONER: Thank you.

9 MR. TREMAINE: Good morning, Mr. Chair
10 and Commissioners. This is Jesse Tremaine for the Oil
11 Conservation Division.

12 THE COMMISSIONER: Excellent. Thank
13 you.

14 Anybody else?

15 MR. RANKIN: Good morning, Mr. Chair,
16 Commissioners. May it please the Commission. Adam
17 Rankin with Holland & Hart appearing on behalf of the
18 New Mexico Oil and Gas Association. Good morning.

19 THE COMMISSIONER: Thank you,
20 Mr. Rankin.

21 Anybody else?

22 MS. BENNETT: Good morning everyone.
23 Deana Bennett with Modrall Sperling on behalf of EOG
24 Resources.

25 THE COMMISSIONER: Ms. Bennett, thank

1 you.

2 Anybody else?

3 Okay. Mr. Davis, we'll start with you.

4 MR. DAVIS: Thank you, Mr. Chair,
5 Commissioners. Our motion asked the Commission to
6 deliberate about an issue that was raised and
7 addressed during the evidentiary hearing last November
8 but was not discussed during deliberations this March,
9 and that issue is the scope of the PFAS ban that this
10 Commission will adopt.

11 To provide a brief roadmap, I'll first
12 explain the authority the Commission has to engage in
13 deliberations on this issue. I'll next explain that
14 the Commission did not address the scope of the PFAS
15 ban during the prior deliberations, and instead
16 adopted OCD's pre-hearing redline rule which limited a
17 PFAS ban to completions and recompletions. And this
18 is a provision that the OCD proposed prior to agreeing
19 during the hearing that a ban in all downhole
20 operations is more appropriate.

21 Next, I'll explain that the record in
22 this matter supports a ban in all downhole operations,
23 and, finally, we'll ask the Commission to engage in
24 deliberations on this specific issue.

25 First, the Commission's rules for

1 rulemaking proceedings provide that the Commission can
2 deliberate on the issue raised by this motion. The
3 Commission's procedural rules state that the
4 Commission can deliberate and act in open session at
5 any Commission meeting provided that the deliberation
6 and possible action is listed on the meeting agenda.
7 And those are the only restrictions on when the
8 Commission can deliberate. It just has to be noticed.

9 The Commission's rules don't place any
10 limits on when the Commission can deliberate, how many
11 times the Commission can deliberate, and it just has
12 to be in an open session like we're in today. Because
13 the Commission did not discuss in its prior
14 deliberations whether the PFAS ban would apply to all
15 downhole operations, we're just asking the Commission
16 to deliberate on that issue.

17 NMOGA, EOG, and Mr. Maxwell cite to the
18 Pubco case in their response to our motion, and they
19 argue that the Commission cannot even hear the motion
20 that we're here about today. And that reliance is
21 misplaced. Pubco simply states that only an applicant
22 for rehearing can request review in the district court
23 of a decision that denies that rehearing. We're not
24 here today asking for rehearing. We're asking the
25 Commission to deliberate on the record that exists,

1 the record that was developed in November, because the
2 Commission did not deliberate on the scope of the PFAS
3 ban during the March deliberations.

4 As I previously stated, under the
5 regulations for rulemaking hearings applicable here,
6 this Commission can deliberate at, quote, any
7 Commission meeting as long as the deliberations are
8 noticed. They also argue that a motion for rehearing
9 is the "exclusive means" to seek the relief that we're
10 asking for in this motion today, and that's simply not
11 true. Nothing in the Oil and Gas Act or the
12 regulations supports that moving for rehearing is an
13 exclusive means, and that's why NMOGA, EOG, and
14 Mr. Maxwell cite no authority for that position.

15 And I'd just like to reiterate that the
16 scope of the PFAS ban is really important here. If
17 the PFAS ban only extends to completions and
18 recompletions, an operator can use as much PFAS as
19 they want during, for instance, the drilling
20 operation, and that would defeat the purposes of this
21 rule, which is to protect the environment, the public
22 health, and freshwater resources.

23 So next I'd like to talk about how this
24 issue arose during the hearing and what happened.
25 During the prior deliberations in March, the

1 Commission voted to adopt OCD's redline proposal for
2 Section 19.15.14.9C, and that proposal from OCD, based
3 on their pre-hearing position, limited the
4 Commission's ban on PFAS substances to only completion
5 and recompletions activities.

6 WildEarth Guardians and New Energy
7 Economy's proposed amendments to 19.15.14.9C NMAC
8 addressed two separate issues. One was banning
9 undisclosed chemicals, and that's something that this
10 Commission rejected during deliberations. But when
11 that discussion was taking place, the Commission did
12 not discuss the other provision in the proposed rule
13 under that section. And that was the scope of the
14 PFAS ban. So both the undisclosed chemicals ban and
15 the ban in all downhole operations were encompassed in
16 19.15.14.9C of the proposed rule. And so when the
17 Commission voted to adopt OCD's pre-hearing provision,
18 it only dealt with the discussion around undisclosed
19 chemicals.

20 You may recall that, during the
21 hearing, this question of the scope of the ban in all
22 downhole operations or just limited to completions and
23 recompletions was the subject of significant
24 discussion. And there's evidence in the record to
25 support the ban on all downhole operations that the

1 proposed rule requested. I won't repeat that evidence
2 here, but it is outlined in our final brief, in this
3 motion, and our proposed statement of reasons. But as
4 one example, I would just point to WildEarth
5 Guardians' Exhibit 37, which is The Gluge et al.
6 study, which says that since 1956 PFAS has been
7 proposed to be used or used globally in oil and gas
8 extraction methods other than fracking, including
9 chemical-driven gas production, chemical flooding, and
10 the drilling that precedes fracking, and all other oil
11 and gas production techniques.

12 And so at the hearing, OCD witness
13 Brandon Powell agreed in response to questions from
14 Commissioner Ampomah that the OCD supports a ban of
15 PFAS in all downhole operations. Mr. Powell confirmed
16 this position in response to questions from OCD's
17 counsel. Guardians and New Energy Economy discussed
18 the downhole operations issue in their brief and
19 requested a PFAS ban that covers all downhole
20 operations. OCD also agreed in its closing statement
21 that the PFAS ban should extend to all downhole
22 operations. And if there are any questions about
23 where all of that is in the record, I'm happy to
24 provide it, but, again, it's in our brief, it's in our
25 motion, and it's in our proposed statement of reasons.

1 I would like to emphasize that we are
2 not seeking to reopen this hearing. We're asking the
3 Commission to deliberate and decide on the scope of
4 the PFAS ban based on the evidence presented and
5 admitted during the November hearing.

6 So in closing, I think it's important
7 this Commission consider the scope of a PFAS ban and
8 deliberate specifically on that issue. A regulation
9 that bans PFAS in some but not all downhole operations
10 is not sufficient to protect the environment, human
11 health, or freshwater resources. We ask you to
12 consider it, address the scope of the PFAS ban that
13 you will implement in further deliberations, and, as I
14 stated, the Commission has the legal authority to
15 engage in further deliberations concerning this issue
16 and it can make a decision on the evidence that is
17 already in the record.

18 Thank you for your time. Thanks for
19 hearing us this morning. That's all I've got.

20 THE COMMISSIONER: Thank you,
21 Mr. Davis.

22 I'm just going to go across the screen
23 and the room.

24 Mr. Tremaine, anything you'd like to
25 add?

1 MR. TREMAINE: So, Mr. Chair and
2 Commissioners, the Division did not take a position on
3 the motion, and so I do think it would probably be
4 prudent to hear from the parties in opposition.

5 Next, the motion presented to the
6 Commission now is one that I view as having procedural
7 ambiguity. I would agree that it appears that the
8 Commission can notice and deliberate on what they
9 want, when they want. I don't see that as limited in
10 timeframe. It's subject to notice requirements.
11 However, my only comment would be that I encourage the
12 Commission, if it decides to reopen deliberations,
13 that that decision be based on a narrowly tailored and
14 specific reason.

15 If you feel that there is a necessary
16 correction because there is something that was
17 necessary for deliberations that was not deliberated
18 upon, perhaps that is a basis for further
19 deliberation. I am cautious that such motions -- not
20 necessarily this motion, but such motions in other
21 rulemakings, could extend procedure unnecessarily.
22 Because of their procedural ambiguity, we're toeing a
23 line between the closing of evidence and reopening a
24 hearing, and I do have concerns that all parties in
25 other contested matters could utilize this as a means

1 to extend deliberations and reopen evidence
2 indirectly. I'm not suggesting that that's what these
3 petitioners are doing, because there was something
4 specific that I do not see addressed in the record. I
5 think that is true.

6 So my only comments, again, are I'm not
7 sure how this fits in with the procedural rules, and
8 if the Commission decides that further deliberation is
9 necessary, I think it needs to be based on a very
10 narrow and specific finding that something was missing
11 and inadequate in the deliberation process.

12 Thank you.

13 THE COMMISSIONER: Thank you,
14 Mr. Tremaine.

15 Mr. Rankin.

16 MR. RANKIN: Good morning. May it
17 please the Commission. Thank you very much,
18 Mr. Chair, Commissioners.

19 I want to echo what Mr. Tremaine was
20 saying, but I'm going to put a finer point on it. I'm
21 going to point to specific requirements and
22 limitations imposed on the Commission during its
23 deliberations and rulemaking after the record has been
24 closed.

25 WildEarth Guardians and New Energy

1 Economy's efforts here to influence the Commission's
2 deliberations after the record has been closed, but
3 before a final order and statement of reasons issues,
4 is improper. It's also procedurally improper and must
5 not be countenanced by the Commission because it's
6 outside the scope of what is authorized under the
7 regulations and the procedural orders that govern the
8 rulemaking. The Commission has conducted a final vote
9 on the proposed rulemaking, and the record has been
10 closed for all purposes other than for the Commission
11 to deliberate on the final form of the written rule
12 that it has orally approved and its statement of
13 reasons.

14 Now, petitioner's motion for
15 clarification is the equivalent of a last-ditch effort
16 here to sway the Commission in its deliberations,
17 during its deliberations, by interjecting additional
18 arguments after the record has been closed and the
19 parties' final statements, arguments, and positions
20 have been submitted and considered by the Commission.
21 The Commission's petition here, or motion, is no
22 different than an effort to interject additional
23 comments or new arguments during the Commission's
24 ongoing deliberations, which is exactly what happened
25 during the Commission's last session on this matter

1 when petitioner's counsel improperly commented during
2 the course of the Commission's deliberations.
3 Petitioner's motion is a continuation of that same
4 effort to influence the Commission's deliberations,
5 and it shouldn't be considered.

6 To consider it, to respond to it, would
7 invite error. Under the Commission's rulemaking
8 regulations, the record can remain open at the close
9 of a hearing for written submittals and proposed
10 statement of reasons. It's expressed under the
11 Commission's regulations. That's 19.15.3.12A to G,
12 and I'm happy to put that on the screen so we can all
13 look at it.

14 The regulation specifies that the
15 record shall remain open after a rulemaking hearing
16 only for the purposes and timeframe specified. That's
17 exactly what happened here. After the close of the
18 rulemaking, the hearing officer issued an order
19 setting a deadline for post-hearing submittals on or
20 about February 14, 2025. That order specified that
21 any party may include a closing legal argument and/or
22 proposed findings and conclusions by February 19,
23 2025. That was the limit for which the record
24 remained opened and the deadline in which the parties
25 had to provide additional comments or arguments.

1 The parties to the rulemaking,
2 including petitioners, submitted their post-hearing
3 submittals to that order on February 19th. After that
4 date, and for all other purposes, the record in this
5 rulemaking was closed. Closed to all other
6 submissions by the parties, including arguments,
7 motions, positions, findings, conclusions, any
8 opportunity to alter or affect the outcome of the
9 rulemaking after that date was effectively terminated.
10 Okay?

11 So efforts here to comment on, ask for
12 additional deliberations during the Commission's
13 deliberations is improper. The record has been closed
14 and nothing further should be contemplated. Both
15 efforts to influence the Commission's deliberations,
16 both during the course of deliberations, the last
17 session, and through this motion, are improper and
18 should not be considered.

19 Now, in addition to being procedurally
20 improper, the petitioner's motion also is premature.
21 It's nothing more than a motion for rehearing in
22 disguise, but prematurely. A motion for rehearing is
23 what the parties of record who are adversely affected
24 by a Commission order may file after the Commission
25 issues an order adopting a rule. That's laid out in

1 the Commission's rules at 19.15.3.15A.

2 Parties dissatisfied with a rule the
3 Commission votes to adopt or believe that there is an
4 error or a mistake or what have you are not free to
5 raise their hands to file motions to clarify in
6 attempt to influence the course of deliberations after
7 the Commission has already voted but before issuing a
8 final written order and statement of reasons. That's
9 outside of the scope of the rules. They must wait for
10 the order and the statement of reasons to issue, and
11 they can, within the 20-day rehearing period, then
12 file a motion for rehearing and make their arguments
13 at that time. To do so now, at this time, during the
14 proceedings and final deliberations, is improper and
15 should be rejected. Not only is petitioner's motion
16 procedurally improper and premature, but their effort
17 to expand the scope of the rulemaking is not supported
18 by the record.

19 Petitioners contend in their motion
20 that the difference between banning PFAS and fracking
21 is, quote -- let me rephrase that. The petitioners
22 contend in their motion that, quote, the difference
23 between banning PFAS and fracking versus all downhole
24 operations is significant. We agree. The rulemaking
25 record does not support significantly broadening the

1 scope of the rule to all downhole operations when the
2 evidence and testimony presented to the Commission was
3 related to completions, recompletions, hydraulic
4 fracturing operations, shooting, and chemical
5 treatment of wells. That was the scope of the
6 rulemaking.

7 There are many other types of potential
8 downhole operations for which no evidence was
9 presented during the course of the hearing. Whatever
10 other operations petitioners may want to capture in
11 this rulemaking were just not contemplated or
12 addressed in the evidence and the record. Petitioners
13 presented no experts on downhole operations to explore
14 the type of operations that they now contend are
15 contemplated to be within the scope other than the
16 operations I just enumerated. For example, vlogging,
17 coring, running wireline tools. None of those
18 operations were addressed in the hearing before the
19 Commission, and, therefore, the Commission has no
20 information on which to base a decision about whether
21 those should be or not included within the scope of
22 the rule. The only place downhole operations is used
23 in petitioner's final proposed rule is as part of the
24 definition for chemical disclosure list, and as part
25 of the proposed provision addressing certifications

1 for APDs. Otherwise, the phrase downhole operation is
2 not used anywhere else in the context of petitioner's
3 final rule.

4 Now, the Commissioners have already
5 agreed to adopt OCC's approach, which strikes
6 petitioner's proposed definition of chemical
7 disclosure list, so the term downhole operations is
8 not needed for that purpose. And the other place it
9 appears, as I mentioned, is in the certification for
10 APDs here, and there's just no evidence, testimony, or
11 record on what the potential implications would be if
12 the scope were expanded as petitioners requested.

13 They cite to two witnesses in their
14 motion and their reply brief in support of their
15 argument that the record supports expanding the scope,
16 but the testimony cited does nothing to establish a
17 technical rationale or basis in the record, especially
18 compared to the detailed and technical testimony the
19 Commission actually received on the types of
20 operations that are clearly within the scope of the
21 rule. If they want to come back and amend the rule
22 later to include additional activities based on some
23 evidentiary record, they can do so, but only after
24 establishing an evidentiary record that justifies it.

25 Mr. Chair and Commissioners, our view

1 is that the record has been closed and that this
2 effort to influence -- modify the course of
3 deliberations is improper and shouldn't be
4 countenanced. The motion should be denied. And if
5 the petitioners want to come back and seek a rehearing
6 or point out an issue that they believe is error or
7 should be corrected, they can do so at the proper
8 time.

9 Thank you.

10 THE COMMISSIONER: Thank you,
11 Mr. Rankin.

12 Ms. Bennett.

13 MS. BENNETT: Thank you very much.

14 EOG Resources joined in NMOGA's
15 response to the motion, and EOG agrees with NMOGA's
16 arguments and concerns, which Mr. Rankin just
17 expressed, and request that the Commission deny the
18 motion.

19 Thank you.

20 THE COMMISSIONER: Excellent. Thank
21 you.

22 Mr. Davis, I'll give you the
23 opportunity to be able to state your points after
24 hearing what was stated.

25 MR. DAVIS: Thank you, Mr. Chair. I'll

1 be very brief.

2 We are here to just point out an
3 oversight that happened during deliberations. The
4 only relief we're asking for here is further
5 deliberations on the issue that wasn't discussed
6 during deliberations. We're not providing any
7 additional arguments. We're requesting that the
8 Commission make a decision based on the record that
9 was presented in November, and we filed this to avoid
10 further procedures, like filing for a rehearing. And
11 we've provided the Commission with the legal basis to
12 show that it can engage in deliberations at any
13 meeting as long as it's noticed and it's an open
14 meeting.

15 And I'll just point out that NMOGA
16 seems to want to make this about each individual
17 downhole operation that could be possible, but really
18 what we're here about is protecting the environment,
19 the public health, and freshwater resources from PFAS,
20 and that is something that we talked about at length
21 during the hearing. There's ample evidence to show
22 its environmental and public health harms, and if it's
23 harmful to send it downhole in one operation, any new
24 pathway into the environment for PFAS is harmful. So
25 you have ample basis, based on that. But if you look

1 into the record, there is other evidence. And again,
2 I'm not going to repeat it here, but it is outlined in
3 our briefing. You have ample grounds on which to ban
4 PFAS in all downhole operations.

5 Thank you.

6 THE COMMISSIONER: Thank you,
7 Mr. Davis.

8 I do note Ms. Orth is on the platform
9 as well.

10 And, Mr. Shandler, before we open it up
11 to the Commissioners with questions that they may
12 have, any opinion that you all may have?

13 MR. SHANDLER: So this is Mr. Shandler.
14 So Mr. Chair, it comes down to three words, and that
15 is in the applications section, 19.15.14.9C, and it
16 comes down to the phrase "in downhole operations,"
17 which would be after the phrase "PFAS chemicals." The
18 evidentiary record is closed. The question is whether
19 the Commission wants to reopen their deliberations.
20 Two different things.

21 The question for the Commission: Do
22 you want to reopen your deliberations for the narrowly
23 tailored discussion of whether those three words
24 should be inserted into the rule. As you may recall
25 at the meeting, it was a tie. So the petitioners

1 wanted those three words; the Oil & Gas Association
2 did not. We looked to the Division to break the tie.
3 The Division, in its redline, did not include those
4 three words, and so the tie was broken not to include
5 those three words.

6 Subsequent to that, the petitioners
7 have said, basically, that there was ample room to
8 interpret the Division's position differently. And as
9 they've stated in their brief, they believe that, even
10 though the Division's redline didn't include those
11 three words, their closing brief said that they
12 supported those three words. And again, they repeat
13 that today.

14 So kind of the \$64,000 question is did
15 the Division really support those three words? And
16 for two months now, I've been waiting for the Division
17 to tell this Commission yes or no, whether the
18 statements it made in its closing brief should be read
19 to mean that they didn't support those three words,
20 even though it wasn't in their redline, or for them to
21 stand up today and say that is a misrepresentation by
22 the petitioners.

23 I have not heard from the Division that
24 that is a misrepresentation. So perhaps you want to
25 hear more from the parties about that, but that's what

1 I was waiting to hear. And if it was a
2 misrepresentation by the petitioners, then I would
3 advise you not to reopen your deliberations. If it is
4 a correct representation by the petitioners, I do
5 think the agenda is worded enough that it's a logical
6 outgrowth that you can grant the petitioner's motion,
7 you can then make a motion to reopen deliberations for
8 the narrow purpose of those three words, then close
9 your deliberations, and then proceed to your adoption
10 of the final order with statements of reasons.

11 THE COMMISSIONER: Thank you,
12 Mr. Shandler. I believe you're done. Correct?

13 MR. SHANDLER: Yes.

14 THE COMMISSIONER: Okay. I appreciate
15 it.

16 Commissioner Bloom, I do see that your
17 hand is up. Is it directly to what Mr. Shandler said,
18 or is it questions that you -- and there's a reason
19 why I'm asking. I did also pose the question to
20 Ms. Orth, and I wanted to make sure that we got hers
21 in before we got your question, but if your question
22 is to what Mr. Shandler said, I'm happy to entertain
23 it now.

24 MR. BLOOM: Thank you, Mr. Chair. Yes.
25 It's a question of Mr. Shandler.

1 THE COMMISSIONER: Okay.

2 MR. BLOOM: And if you'll permit me.

3 Mr. Shandler, I would probably agree
4 that a lot of us would like to hear from OCD on this,
5 but by doing so, we'd be reopening the evidentiary
6 record and introducing something new here. I guess
7 that's my first question, and I might have a
8 follow-up.

9 THE COMMISSIONER: So I must admit,
10 Mr. Shandler, that's my question as well. If we do
11 get information from the OCD stating that the
12 information was a misrepresentation, does that open us
13 up to -- is that a reopening or is that something that
14 you see that will allow us to be able to say yay or
15 nay on reopening this. I'm trying to figure out
16 procedurally how that works.

17 MR. SHANDLER: Yeah. So, Mr. Chair,
18 I'm not asking to reopen the evidentiary hearing. I
19 think there's enough in the evidentiary hearing, like
20 on page 37 of the petitioner's closing brief about
21 Mr. Horowitz's testimony, Mr. Powell's testimony. I
22 think what I was looking for to see if OCD thought --
23 when my judgment call was the closing brief was not
24 clear enough to break the tie, whether they were going
25 to weigh in on that. But I can understand your point

1 if you feel like that would open the door to the
2 evidentiary hearing. I think both options are on the
3 table.

4 THE COMMISSIONER: So Commissioner
5 Bloom, I just wanted to make sure, did that answer
6 your question at least for a little bit?

7 MR. BLOOM: That does, and, I mean,
8 where I'm going is, we've all spent a considerable
9 amount of time on this. I think we would like an
10 order that stands up to any subsequent review or
11 challenges. So I wanted to be mindful about doing
12 something that looks like a de facto or real reopening
13 of the hearing. And I am grappling with how we deal
14 with this. And maybe just a follow-up from
15 Mr. Shandler would be -- you know, would the
16 Commission be okay -- are we still going to be on
17 solid ground if we reopen to deliberate on this point
18 that was raised in a motion for clarification, you
19 know, or would you counsel that we look at rehearing?

20 THE COMMISSIONER: Well, I think before
21 Mr. Shandler can answer that, I think the question is
22 going to be do we want to reopen this, yay or nay? I
23 think if we decide to reopen this, then I think your
24 question is going to be valid. The question, I think,
25 before the Commission right at the moment is do we

1 want to reopen this and deliberate. Do we feel like
2 we need to deliberate more on this or do we stand on
3 our decision?

4 But before we proceed with that
5 particular question, Ms. Orth, was there anything that
6 you wanted to add as the hearing officer?

7 THE HEARING OFFICER: Thank you,
8 Mr. Chair. Is my volume okay?

9 THE COMMISSIONER: Yes, it is.

10 THE HEARING OFFICER: All right. So I
11 am on the platform, not because the motion was to me,
12 the motion is to the Commission, and unless you reopen
13 the evidentiary record I don't have a role. I guess I
14 would offer two observations though. One is that I
15 agree with everything that Mr. Shandler said as he was
16 describing what the path to this meeting is or was.

17 At the same time, the motion did not
18 request a reopening of the evidentiary record, and I
19 don't think it would be necessary. We have
20 historically drawn a distinction between the evidence
21 that is introduced and admitted into a record and the
22 final position that is taken by parties, usually
23 expressed by their counsel in closing argument.
24 Right? That's not necessarily evidence; that's their
25 final position, which is not, again, historically

1 considered evidence. We say, you know, we don't take
2 evidence from lawyers, for example.

3 The other thing is, I've spent the last
4 day and a half at the Roundhouse with the Water
5 Quality Control Commission in which they did exactly
6 what Mr. Davis is asking this Commission to do. On
7 further reflection, about a month after they
8 deliberated on the produced water to reuse rule, they
9 went back and revisited it before they made a final
10 decision and made some fairly significant different
11 decisions there. So again, I agree with Mr. Shandler,
12 and I would add only that I think there's a difference
13 between reopening the evidentiary record and
14 understanding what a party's final legal position is.

15 That's all.

16 THE COMMISSIONER: Thank you, Ms. Orth.

17 So, Commissioners, I guess we are at
18 that point where we need to decide how we want to
19 proceed.

20 Commissioner Ampomah, I'll start with
21 you. Any questions that you may have also legally to
22 Mr. Shandler?

23 MR. BLOOM: And, Mr. Chair, I saw
24 Mr. Tremaine raise his hand. I don't know if you
25 caught that.

1 THE COMMISSIONER: Oh, did Mr. Tremaine
2 raise his hand? I apologize. I did not see that.
3 Thank you for catching that, Commissioner Bloom.

4 Mr. Tremaine.

5 MR. TREMAINE: Thank you. So to
6 clarify a couple things. The redline version -- and
7 I'll chalk this up to -- I'll call this a learning
8 experience. We did not submit a final redline and
9 instead relied on a record from the hearing and the
10 parties' redlines. So the redline that's being
11 referred to is the one that the Division submitted
12 prior to the hearing. I have not commented on OCD'S
13 position on this in reference the record out of
14 paranoia that I was opening the evidentiary record.
15 So OCD's final position was that -- and we do believe
16 that it is reflected and supported in the record --
17 was that downhole operations was appropriate, and I
18 think that all of the parties found that to be
19 acceptable at the hearing. So when push comes to
20 shove, yes, that was OCD'S position that that was
21 acceptable.

22 THE COMMISSIONER: Okay. So that
23 definitely opens up and changes some things here.

24 Mr. Rankin.

25 MR. RANKIN: Thank you. I just want to

1 make clear that it was not acceptable to NMOGA. This
2 issue came up, and it's clear in the record, I think
3 the second to last day of the hearing, and
4 Mr. Tremaine can clarify this as well, but up until
5 that point, we had understood that the rule was
6 limited to the operations I outlined in my argument,
7 and it was only at the second to last day of the
8 hearing when Mr. Davis approached the parties about
9 this that we understood that petitioners had intended
10 to have the scope extend beyond those operations to
11 include every conceivable downhole operation. And
12 Mr. Tremaine, I think, can speak to that as well.
13 Because throughout the parties' discussions leading up
14 to the rulemaking, that was never our understanding.
15 And so at the time of this announcement or effort to
16 confer during the rulemaking, we did not agree.

17 THE COMMISSIONER: Okay. Mr. Davis, I
18 see you on the --

19 MR. DAVIS: I just only want to make
20 one quick point, which is that our redline proposed
21 rule has always included a ban on PFAS in all downhole
22 operations as stated in my opening statement and we
23 provided testimony on this issue during the hearing.
24 So our position on this issue has never changed.

25 THE COMMISSIONER: Okay. Thank you.

1 Ms. Bennett, did you have anything you
2 wanted to add?

3 MS. BENNETT: Thank you. I concur in
4 what Mr. Rankin stated, including the untimeliness,
5 the lack of information or notice about the broad
6 implications of the change that has been discussed
7 today.

8 THE COMMISSIONER: Okay. Thank you,
9 Ms. Bennett.

10 So, Mr. Shandler, with what the OCD
11 just stated, what advice do you have for this
12 Commission now?

13 MR. SHANDLER: So, Mr. Chair, I guess I
14 take the philosophy it is what it is. So I think the
15 Commission has within its authority to grant the
16 motion and reopen the deliberations for the narrowly
17 tailored three-sentence -- three-word, excuse me,
18 change. I think the Commission also -- it is what it
19 is. It's possible this rule could be appealed. It's
20 possible this creates an additional appealable issue.
21 That is the risk the petitioner has taken by coming
22 back here. I think you should do what you think is
23 the right thing to do, and we'll handle it from there.

24 THE COMMISSIONER: Okay. So let me
25 then open it up to questions from the Commissioners.

1 Commissioner Dr. Ampomah, please.

2 DR. AMPOMAH: Thank you, Mr. Chair. So
3 I do know that during the discussions that we had, you
4 know, multiple times, the definition of the downhole
5 operations came up and we strike it down. So you
6 know, and the reason was that, you know, OCD said
7 there's a common industry term defining it may cause
8 unintended limitations to the scope and the
9 potentially affected the rules.

10 Now, if we are going to use the term
11 downhole, or let's say even we are going to open it up
12 to discuss the term downhole operations, we decided
13 not to include that, you know, as part of the
14 definitions. So to me, I don't know how that is going
15 to more or less impact the entire discussions that we
16 had as part of the hearing.

17 So, Mr. Shandler, my question to you
18 is, you know, we strike down the definition of
19 downhole operations, we decided not to use it at all
20 in the rulemaking. I believe that is why, whenever we
21 were going through the deliberation, whenever we see
22 downhole operations, we said, no, we said we are not
23 going to use it, so we took it out. So how does that
24 change the dynamics here?

25 MR. SHANDLER: So, Mr. Chair, that does

1 seem to be an important factor, that if you feel like
2 the Commission did deliberate this type of term and
3 did break the tie that way, then I would advise you to
4 deny the motion.

5 THE COMMISSIONER: Okay.

6 Dr. Ampomah, did you have more
7 questions?

8 DR. AMPOMAH: No, I do not.

9 THE COMMISSIONER: Okay.
10 Commissioner Bloom?

11 MR. BLOOM: No. Not a question right
12 now. If we're going to discuss deliberating or not,
13 I'm ready to do that.

14 THE COMMISSIONER: Okay. So I guess
15 then, Commissioners, the question is, do we want to
16 take the petitioner's request, or do we leave it as is
17 and say the decision was made and we move on?

18 So, Commissioner Bloom, did you have
19 questions on that? Statements?

20 MR. BLOOM: Yes, Mr. Chair. Again, my
21 goal at this point is to create a defensible order, a
22 strong order, but, you know, this does come in, it
23 does raise some issues. I believe we should
24 deliberate whether this rule should apply to all
25 downhole operations. Without getting into a

1 deliberation itself, the fact that we struck that
2 definition of downhole was based on the idea that this
3 is a commonly used term and didn't need to be defined
4 or limited. So I don't believe that that means we
5 can't include that, but I don't want to get into, I
6 guess, a deliberation here before we actually decide
7 if we're going to do that or not.

8 So I think as Mr. Shandler indicated,
9 perhaps not ideal, we can deal with the consequences
10 of this later, but I do believe that this merits us
11 deliberating, Mr. Chair and Dr. Ampomah.

12 THE COMMISSIONER: Okay. So your vote
13 is to have the deliberation. Is that what I'm
14 understanding?

15 MR. BLOOM: Based on what I've heard so
16 far, I don't know what else you might add, Mr. Chair,
17 or where Dr. Ampomah would ultimately land. So --

18 THE COMMISSIONER: Okay. But your vote
19 is to deliberate. Is that what I'm hearing?

20 MR. BLOOM: Well, if we're -- I don't
21 know -- I would want to hear what other issues people
22 raise here, and then we could vote.

23 THE COMMISSIONER: Okay.

24 Dr. Ampomah.

25 DR. AMPOMAH: Yeah. So I do have a

1 question for my co-Commissioners, and it's the same
2 question that I asked counsel. So we strike down the
3 downhole operations. In our deliberation, and if you
4 go back and check all the transcript, you see that
5 anywhere we see downhole operations, we strike it
6 down. So if we are to reconsider this, don't you
7 believe that is going to impact most of the decisions
8 that we made during the deliberation?

9 THE COMMISSIONER: Commissioner Bloom,
10 I'll start with you.

11 MR. BLOOM: Thank you, Mr. Chair.

12 Dr. Ampomah -- Commissioner Ampomah,
13 that is a good question, and I would look forward to
14 having that conversation and deliberating on that and
15 how it might work itself through the rules. So again,
16 I'll state my support for having these deliberations.

17 THE COMMISSIONER: Thank you,
18 Commissioner Bloom.

19 Dr. Commissioner Ampomah, I do believe
20 that it does cause definite implications. There are
21 definite implications, as you're indicating and you're
22 intoning in your question. I think the deliberation
23 would definitely open it up and it would kind of
24 change things to the way that we have already decided
25 as a Commission, and so my stance is that we don't

1 change anything. The decision was made with the way
2 that it was made. The three Commissioners did come up
3 to that conclusion, and we worked on it the way we
4 did. So that's my stand.

5 How about yourself, Commissioner?

6 DR. AMPOMAH: Thank you for that. And
7 I do have another question for my co-Commissioners.
8 So if you look at the OCCP first rulemaking order that
9 our counsel put together, so on 19.15.14.9, on item C,
10 so an applicant for a permit to drill, deepen, or plug
11 back shall certify that they will not introduce any
12 additives that contains PFAS chemicals in the
13 completion or recompletions of the well. So to me --
14 I'm asking my co-Commissioners, don't you believe this
15 is comprehensive enough? You know, because if you're
16 going to drill a well, or let's say deepen the well or
17 plug back, you need to show that you are not using
18 PFAS. So I believe that during our deliberation we
19 captured this, you know, all the concerns, you know,
20 in this item. So I believe it was not deliberate on
21 the part of the Commission to, let's say, to ignore
22 the downhole operations, and we're very specific in
23 our ruling. So I will still stand by we definitely
24 probably do not need to open this up.

25 THE COMMISSIONER: Okay. With the

1 statement that was made Commissioner Ampomah,
2 Commissioner Bloom?

3 MR. BLOOM: Yes, Mr. Chair.

4 Dr. Ampomah, you raise a good question
5 there, and I think we, as a Commission, didn't answer
6 all these questions and issues, and that by reopening
7 deliberations we can have that conversation and take
8 some time, you know, between now and when we do this
9 perhaps in June or July, and look at those issues and
10 see how this would permeate itself through the rule.
11 I think this is a good time to do this. It might save
12 us from rehearing or a new petition from the
13 petitioners where we would spend, you know, another
14 week or portion of weeks hearing all new evidence on
15 this. I think that there are some weighty matters to
16 discuss here.

17 THE COMMISSIONER: Okay. Thank you,
18 Commissioner Bloom.

19 I have to just take my stance again. I
20 think the decision was made, I think it was whole, and
21 we did look at it completely and that we were looking
22 at everything, and so I have to agree with
23 Commissioner Ampomah on this one as well.

24 So any other questions, Commissioner
25 Ampomah?

1 DR. AMPOMAH: Commissioner Bloom, so
2 let's say if we agree to go to deliberation on this,
3 you know, in that case, are we looking at the downhole
4 operations or what are we going to look at, especially
5 when we strike it down?

6 MR. BLOOM: Yes. Dr. Ampomah, I think
7 we would be looking at sort of the gamut of downhole
8 activities that occur that the proponents mentioned in
9 their motion for clarification. I don't know if I
10 have that handy, but I think we're talking about
11 aspects of well treatment, maintenance, drilling, and
12 enhanced oil recovery.

13 You know, I think we all remember from
14 the hearing that, you know, a lot of the threat from
15 these chemicals isn't just what happens downhole. In
16 fact, that may be where they're safest, in some sense.
17 It's having these chemicals brought into New Mexico.
18 Right? These chemicals that are toxic at the, you
19 know, teaspoon per Olympic swimming pool or hundred
20 Olympic swimming pool level. Right? These chemicals
21 come into the state, they're mixed, they're
22 transported -- you know, we've seen the, you know,
23 spill data. I think some of that was presented.
24 Surface spills. You know, what this kind of means in
25 its entirety for us. So you know, I think there's a

1 little more here to discuss, and I don't know if you
2 would agree with me on that, Dr. Ampomah.

3 DR. AMPOMAH: You know, on that one it
4 sounds to me you are extending the scope of the
5 discussion. Because the way I see it is that once we
6 open it up for downhole operations, then we are going
7 to be forced to define what the downhole operations
8 is, and that, more or less, you know, negates most of
9 the discussions that we had, you know, as part of the
10 deliberations. You know, in as much as I do
11 appreciate your position on this, I believe, you know,
12 strongly that we considered all of this in our
13 deliberations and it was not intentional, you know --
14 at least on my part, it was not intentional to
15 probably forget about what was discussed during the
16 hearing. So I will still vote with the Chair on this
17 not to reopen this.

18 THE COMMISSIONER: So let's just make
19 an official vote, then, here and now. So the question
20 is, are we going to hear this as the petitioners have
21 requested? All in favor say aye.

22 MR. BLOOM: I would vote aye to reopen
23 and deliberate on this point.

24 THE COMMISSIONER: Okay. All against?

25 DR. AMPOMAH: I will vote against.

1 THE COMMISSIONER: I am against as
2 well. So we won't be opening this.

3 Mr. Shandler, at this point, then, how
4 do we proceed?

5 MR. SHANDLER: Okay. So, Mr. Chair, so
6 for the record, the joint motion for clarification has
7 been denied. Then I would advise the Commission to go
8 to the next bullet point, the adoption of the final
9 order. I provided a statement of reasons. I've only
10 received comments from Commissioner Bloom, so I could
11 walk through his proposed changes if that's what you
12 want to do as the next step.

13 THE COMMISSIONER: Commissioners?

14 MR. BLOOM: Mr. Chair, that would be
15 fine by me. I think I had two major questions. You
16 know, I don't know if we refer to petitioner in the
17 plural or petitioners singular or plural, with a
18 plural S or for the possessive. And then I think I
19 wanted to add one more bullet down towards the bottom
20 of the order just strengthening a little bit, I think,
21 on some of the public health aspects. But I am glad
22 to speak to any of that. And then maybe another
23 couple typos I have, but I believe that's it.

24 THE COMMISSIONER: Okay.

25 Commissioner Ampomah?

1 DR. AMPOMAH: Yeah. Counsel, so I had
2 one question that I discussed with you. So if you
3 look at the rule that was passed by the legislature,
4 there was a definition of unintentional use of PFAS.
5 So we discussed that, and then I wanted to know how
6 that impacts what we have here.

7 MR. SHANDLER: So Mr. Chair, I did look
8 at the two laws that were passed, and my advice to you
9 is they do not impact this rule.

10 DR. AMPOMAH: Thank you.

11 THE COMMISSIONER: So, Commissioner
12 Ampomah, did you want to review the notes that
13 Commissioner Bloom put? Yes or no?

14 DR. AMPOMAH: Yeah. So this is the
15 first time we've seen it, so if we can walk through
16 that briefly, that would be wonderful.

17 MR. SHANDLER: Yes. Mr. Chair --

18 MR. BLOOM: I'm wondering if you can do
19 this through screen share, Mr. Chair.

20 THE COMMISSIONER: I would actually ask
21 Mr. Shandler, do you have the ability to screen share?

22 MR. SHANDLER: I do not have the
23 ability to screen share. I don't know if Sheila does.

24 MR. BLOOM: I believe I do, Mr. Chair.

25 THE COMMISSIONER: Okay.

1 MR. BLOOM: I could pull up my few
2 handful of edits and a couple questions and one added
3 bullet point.

4 THE COMMISSIONER: Great. Thank you,
5 Commissioner Bloom.

6 MR. BLOOM: All right. Let me see
7 here. Try this. Okay. I think I'm getting there.
8 All right.

9 All right. Here we go. Let me go up
10 to the top. I trust you can all see my screen.

11 THE COMMISSIONER: We can on the
12 platform. Can Pecos Hall see it?

13 DR. AMPOMAH: Yeah. Can you make it a
14 little bit bigger?

15 MR. BLOOM: Let me see. Yes. Let me
16 try and do that for you.

17 Is that any better?

18 DR. AMPOMAH: Yeah. Let's scroll down
19 and see. Yes.

20 MR. BLOOM: Okay. Good. All right.
21 It's pretty blown out now, but let me try and navigate
22 here.

23 Okay. Two is just, I think, almost
24 like a typographic fix here. I would just add studies
25 of, so that this reads that "The Division's witness,

1 Dr. Erik Martin, stated that studies of PFAS chemicals
2 have shown that there are toxicological effects on
3 humans," versus saying that "The Division's witness,
4 Dr. Erik Martin, stated that PFAS chemicals have shown
5 there are toxicological effects."

6 MR. SHANDLER: So, Mr. Chair, that's a
7 typo. I can correct that.

8 THE COMMISSIONER: Okay.

9 MR. BLOOM: And then I think another
10 one that I flagged, Mr. Shandler, was just
11 petitioners. They're joint petitioners. I don't know
12 if that should be plural, possessive, or whatnot. I
13 don't know how you want to handle that. It might not
14 matter.

15 MR. SHANDLER: So, Mr. Chair, I just
16 stuck with petitioner possessive, not a plural.

17 MR. BLOOM: I think that's fine. I'll
18 drop that.

19 Groundwater is often one word.

20 MR. SHANDLER: I made that correction.

21 MR. BLOOM: Okay. Thank you. I don't
22 think I have too much more. Just getting down to
23 page 15. Okay. So this is under the section related
24 to frac-focused disclosures and why we want to do
25 this. The Commissions are -- the reasons why are,

1 number one, the petitioner's proposed changed chemical
2 disclosure list was not adopted. Number two,
3 operators already disclosed constituents in their
4 fracking completion fluids. Number three, we have
5 it's important to provide information to the public.
6 And I would want to add this number four here, that
7 public access to chemical disclosure increases trust
8 in regulators, and that's from the petitioner's
9 post-hearing closing brief, page 41, citing to Brown,
10 OCC transcript 11/12/24, page 257, lines 21 through
11 24, on page 258, lines one through five.

12 THE COMMISSIONER: Mr. Shandler, did
13 you have any statements on that?

14 MR. SHANDLER: Mr. Chair, I double
15 checked the citation is accurate, and I can add this.

16 THE COMMISSIONER: Okay.
17 Commissioner Ampomah, are you okay with
18 that?

19 DR. AMPOMAH: Yeah, Mr. Chair. I do
20 not have any concerns with that. Thank you.

21 THE COMMISSIONER: Okay. Neither do I.
22 So Mr. Shandler, if you'll make that
23 change.

24 MR. BLOOM: I believe that may be it.
25 Let me just go down a little further. I'm down at the

1 end here already.

2 I believe that is all I had.

3 THE COMMISSIONER: Okay. Mr. Shandler,
4 are those the same edits that you had as well, plus a
5 few other typographical?

6 MR. SHANDLER: Yes, Mr. Chair. I can
7 include all these typographical corrections and get
8 you a copy for you to sign later today.

9 THE COMMISSIONER: Okay. So at this
10 point, do we just need to all three agree to adopting
11 this? Is that our next procedure?

12 DR. AMPOMAH: So, Commissioner Bloom,
13 if you can bring it up one more time.

14 MR. BLOOM: Of course.

15 DR. AMPOMAH: I want us to look at
16 page 11.

17 MR. BLOOM: I may have closed that
18 window. One second.

19 DR. AMPOMAH: Okay.

20 MR. BLOOM: Let go back and open it.
21 I'll go down to page 11 and then I'll zoom in,
22 Commissioner.

23 DR. AMPOMAH: Yeah. Page 11.

24 MR. BLOOM: Okay. Page 11.

25 DR. AMPOMAH: Yes.

1 MR. BLOOM: Am I in the right spot,
2 Dr. Ampomah?

3 DR. AMPOMAH: No. It's not moving.

4 MR. BLOOM: Okay. Let me scroll down.
5 Tell me when to stop.

6 DR. AMPOMAH: Yeah. You're still on
7 page 5.

8 THE COMMISSIONER: It's not moving on
9 our end, Commissioner Bloom. You may want to unshare
10 and maybe reshare.

11 MR. BLOOM: Let me try that. Yep.
12 I'll try that again. That's the wrong document. One
13 second. Okay.

14 DR. AMPOMAH: Yeah. If you can go down
15 a little bit. You're going too fast.

16 MR. BLOOM: Okay. One moment.

17 DR. AMPOMAH: So just -- that last
18 point, number four.

19 MR. BLOOM: Yeah.

20 DR. AMPOMAH: Yeah. So, Counsel, if
21 you look at number three, you're saying that
22 petitioner's proposed change to include undisclosed
23 chemicals was not adopted because this term was not
24 adopted in the definitions section. So the number
25 four, I will say that we have to follow the same suit.

1 Because not necessarily is it because of OCD's --
2 whether they did redline or not, but the Commission
3 did not actually adopt the definition of the downhole
4 operations.

5 MR. SHANDLER: So, Mr. Chair, number
6 four is now a stale point, and I will then rewrite
7 four to model after three. Okay? Almost verbatim.
8 Will you be comfortable with that, then? And then I
9 can do that and you can still have the Chair sign it?

10 DR. AMPOMAH: Yes, sir.

11 MR. SHANDLER: Okay.

12 THE COMMISSIONER: Okay. Any other
13 questions, Commissioner Ampomah?

14 DR. AMPOMAH: No, Mr. Chair.

15 THE COMMISSIONER: Okay.

16 Commissioner Bloom, anything on these
17 edits that we're discussing now?

18 MR. BLOOM: No, Mr. Chair.

19 THE COMMISSIONER: Okay. So,
20 Mr. Shandler, do we now move to accept these edits?

21 MR. SHANDLER: Please.

22 THE COMMISSIONER: Okay. So can we get
23 a motion to accept the edits as we have just now
24 discussed?

25 MR. BLOOM: Yes, Mr. Chair. I move to

1 accept the final order in this case with the edits
2 that we have just discussed.

3 THE COMMISSIONER: Okay. Excellent.

4 Can we get a second?

5 DR. AMPOMAH: I second.

6 THE COMMISSIONER: Okay. So these
7 orders, the way that it has been presented and we just
8 discussed with the changes, have been approved. And,
9 Mr. Shandler, if you'll make the changes for signature
10 and send it. Oh, we need to an all yay or nay.
11 Right?

12 MR. SHANDLER: Sure.

13 THE COMMISSIONER: I am slowly
14 learning. I apologize, Mr. Shandler. I am slow on
15 the uptake, but I do catch myself, so my apologies.

16 So all in favor for these changes as it
17 was motioned?

18 MR. BLOOM: Aye.

19 DR. AMPOMAH: Aye.

20 THE COMMISSIONER: Aye.

21 Okay. There are no nays. It was
22 unanimous. So now they have been accepted.

23 So, Mr. Shandler, if you'll make the
24 changes and submit them for signature, we would
25 appreciate it.

1 Okay. Anything else on this particular
2 topic.

3 MR. DAVIS: Mr. Chair?

4 THE COMMISSIONER: Yes, Mr. Davis.

5 MR. DAVIS: I'd like to thank the
6 Commission for considering our motion and our proposed
7 rule. Thank you.

8 THE COMMISSIONER: And thank you for
9 bringing it in front of us, Mr. Davis. We appreciate
10 it.

11 Okay. This case is now done. We'll
12 move on to our next point.

13 Mr. Shandler, was there any pending
14 litigation?

15 MR. SHANDLER: No, Mr. Chair.

16 THE COMMISSIONER: Okay. Excellent.
17 Was there any other business that we
18 needed to discuss? Okay. Excellent. There's no
19 other business.

20 Our next meeting is going to be next
21 week, May the 19th, 2025, and if there's nothing else,
22 this meeting is adjourned. Thank you everybody for
23 your assistance. We will see you next week. Have a
24 good weekend.

25 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Whereupon, the meeting concluded at
10:16 a.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I, AMSALE MAXWELL, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

June 3, 2025



AMSALE MAXWELL
Notary Public in and for the
State of Texas

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF TRANSCRIBER

I, MARY ANN BURKE, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

June 3, 2025



MARY ANN BURKE

[& - adopting]

&	2	8	
& 2:8 7:15 16:17 34:1	20 28:11 2025 1:8 4:8	87505 1:16	52:20 58:3 adam 2:8 7:13
1	5:20 6:6,7	9	16:16
10:16 61:2	26:20,23 60:21	9 4:9	add 22:25 38:6
11 56:16,21,23	62:17 63:13	9:13 1:9	39:12 42:2
56:24	21 55:10	a	45:16 51:19
11/12/24 55:10	21st 6:7 7:1	a.m. 1:9 4:9	53:24 55:6,15
111 7:9	23580 15:16	61:2	added 53:2
11th 6:6 7:1	24 55:11	ability 14:16	addition 27:19
1220 1:15	24th 9:7 10:1	52:21,23 62:10	additional
14 26:20	11:20,21 12:2	63:7	25:17,22 26:25
15 1:8 5:20	12:25	able 11:7 12:10	27:12 30:22
54:23	25297 7:6	12:11 31:23	32:7 42:20
15th 4:8,15	257 55:10	36:14	additives 47:12
5:22 6:3	25759 62:18	accept 58:20,23	address 15:17
19 26:22	258 55:11	59:1	17:14 22:12
19.15.14 15:20	25th 6:7 7:1	acceptable	addressed 17:7
19.15.14.9 47:9	26538 63:14	40:19,21 41:1	20:8 24:4
19.15.14.9c	3	accepted 7:2	29:12,18
20:2,7,16	3 62:17 63:13	59:22	addressing
33:15	30 10:18	access 55:7	29:25
19.15.16 15:20	37 21:5 36:20	access 55:7	adjoined
19.15.2 15:19	4	accurate 55:15	60:22
19.15.25 15:20	41 55:9	62:9 63:5	administrative
19.15.3.12a	5	act 18:4 19:11	15:21
26:11	5 57:7	acting 2:3 4:24	admit 36:9
19.15.3.15a.	6	5:1	admitted 22:5
28:1	64,000 34:14	action 18:6	38:21
19.15.7 15:20	7	62:12,16 63:8	adopt 5:24
1956 21:6	7359057 1:23	63:12	17:10 20:1,17
19th 27:3 60:21	7th 6:6 7:1	activities 20:5	28:3 30:5 58:3
		30:22 49:8	adopted 17:16
		actually 5:2	55:2 57:23,24
		11:12 14:4	adopting 27:25
		30:19 45:6	56:10

[adoption - asking]

adoption 6:22 6:25 35:9 51:8 advance 11:20 14:4 adversely 27:23 advice 42:11 52:8 advise 35:3 44:3 51:7 advisement 8:25 affect 27:8 affected 27:23 43:9 affirmative 14:9 agenda 4:16 5:19,20,22 6:3 11:21 18:6 35:5 ago 13:20 agree 23:7 28:24 36:3 38:15 39:11 41:16 48:22 49:2 50:2 56:10 agreed 21:13 21:20 30:5 agreeing 17:18 agrees 31:15 al 21:5 allow 13:16 36:14	alter 27:8 ambiguity 23:7 23:22 amend 15:17 30:21 amendments 20:7 american 10:3 amount 37:9 ample 32:21,25 33:3 34:7 ampomah 2:6 4:17,19 5:12 5:13,13 6:1,15 6:19,21 15:8 15:10 21:14 39:20 43:1,2 44:6,8 45:11 45:17,24,25 46:12,12,19 47:6 48:1,4,23 48:25 49:1,6 50:2,3,25 51:25 52:1,10 52:12,14 53:13 53:18 55:17,19 56:12,15,19,23 56:25 57:2,3,6 57:14,17,20 58:10,13,14 59:5,19 amsale 1:22 62:2,19 andrea 3:7	andrews 2:24 ann 63:2,15 announcement 41:15 answer 12:14 37:5,21 48:5 anybody 8:3,15 16:14,21 17:2 apds 30:1,10 apodaca 2:20 9:6,10,14,19,25 10:2 apologies 59:15 apologize 4:16 11:14 40:2 59:14 appeal 9:16 appealable 42:20 appealed 42:19 appearance 7:23 appearing 7:13 7:19 16:17 appears 23:7 30:9 applicable 19:5 applicant 7:14 18:21 47:10 application 7:7 14:5 15:17 applications 33:15 apply 18:14 44:24	appreciate 4:7 4:14,20 5:17 7:17 8:14 11:2 11:25 13:3,6 15:13 35:14 50:11 59:25 60:9 approach 30:5 approached 41:8 appropriate 17:20 40:17 approval 5:19 6:4 approve 5:21 approved 6:3 7:2 8:25 25:12 59:8 april 6:6,7 7:1 7:1 argue 18:19 19:8 argument 10:9 11:25 26:21 30:15 38:23 41:6 arguments 10:17 25:18,19 25:23 26:25 27:6 28:12 31:16 32:7 arose 19:24 asked 17:5 46:2 asking 8:19 18:15,24,24
--	---	--	---

[asking - business]

19:10 22:2 32:4 35:19 36:18 39:6 47:14 aspects 49:11 51:21 assistance 60:23 association 16:18 34:1 attempt 28:6 attendant 2:24 3:3,4,5,6,7,10 attendees 2:2 3:2 attorney 2:8,10 2:11,13,15,22 62:14 63:10 audio 62:8 63:3 authority 17:12 19:14 22:14 42:15 authorized 25:6 available 9:4 14:22 avoid 32:9 awesome 4:6 4:13 aye 50:21,22 59:18,19,20	46:4 47:11,17 56:20 ban 17:9,15,17 17:19,22 18:14 19:3,16,17 20:4,14,14,15 20:21,25 21:14 21:19,21 22:4 22:7,12 33:3 41:21 banning 20:8 28:20,23 bans 22:9 base 29:20 based 20:2 22:4 23:13 24:9 30:22 32:8,25 45:2,15 bases 8:21 basically 34:7 basin 2:19 8:12 basis 23:18 30:17 32:11,25 bear 4:22 behalf 7:13 16:6,17,23 behoove 10:25 belabor 14:11 believe 7:23 10:17 11:13 12:14 13:21 14:17 28:3 31:6 34:9 35:12 40:15 43:20 44:23	45:4,10 46:7 46:19 47:14,18 47:20 50:11 51:23 52:24 55:24 56:2 benefit 11:4 bennett 2:10 16:22,23,25 31:12,13 42:1 42:3,9 best 62:10 63:6 bet 11:16 better 11:16 53:17 beyond 41:10 bigger 53:14 bit 37:6 51:20 53:14 57:15 blm 13:21 bloom 2:5 4:17 5:3,4,7,9,23 6:10,14 13:14 13:16 14:1,25 35:16,24 36:2 37:5,7 39:23 40:3 44:10,11 44:18,20 45:15 45:20 46:9,11 46:18 48:2,3 48:18 49:1,6 50:22 51:10,14 52:13,18,24 53:1,5,6,15,20 54:9,17,21 55:24 56:12,14	56:17,20,24 57:1,4,9,11,16 57:19 58:16,18 58:25 59:18 blown 53:21 bottom 51:19 brandon 3:8 21:13 break 34:2 36:24 44:3 brief 17:11 21:2,18,24 30:14 32:1 34:9,11,18 36:20,23 55:9 briefing 33:3 briefly 52:16 bring 56:13 bringing 60:9 broad 42:5 broadening 28:25 broken 34:4 brought 49:17 brown 55:9 bulk 6:11 bullet 51:8,19 53:3 bump 13:1 burke 63:2,15 business 60:17 60:19
b			
back 14:12 30:21 31:5 39:9 42:22			

[c - commission]

c	chair	check	
c 2:1 3:1 4:1 47:9	2:4 5:1,5 6:10 7:12,20 8:18 11:19 13:9,14,25 16:9,15 17:4 23:1 24:18 30:25 31:25 33:14 35:24 36:17 38:8 39:23 42:13 43:2,25 44:20 45:11,16 46:11 48:3 50:16 51:5,14 52:7 52:17,19,24 54:6,15 55:14 55:19 56:6 58:5,9,14,18,25 60:3,15	46:4 55:15 21:9,9 29:4,24 30:6 55:1,7 20:9 20:14,19 33:17 47:12 49:15,17 49:18,20 54:1 54:4 57:23 2:21 55:15 18:17 19:14 30:13 30:16 55:9 15:23 25:15 37:18 49:9 51:6 14:1 28:5 40:6 41:4 36:24 41:1,2 30:20 2:20 11:4 26:8,17 35:8 24:24 25:2,10,18 27:5,5,13 31:1 33:18 56:17 21:20 22:6 23:23	26:21 34:11,18 36:20,23 38:23 55:9 15:21 14:12 30:21 31:5 44:22 47:2 49:21 33:14,16 40:19 comfortable 58:8 14:18 42:21 7:24 23:11 27:11 commented 26:1 40:12 24:6 25:23 26:25 51:10 1:1 2:7 5:1 8:20,23 13:24 14:6,12 14:24 16:16 17:5,10,12,14 17:23 18:1,4,5 18:8,10,11,13 18:15,19,25 19:2,6,7 20:1 20:10,11,17 22:3,7,14 23:6 23:8,12 24:8 24:17,22 25:5 25:8,10,16,20
call 4:23 36:23 40:7			
capture 29:10			
captured 47:19			
case 6:12 7:6,6 7:23 8:1,3,20 8:23,25 10:1,6 10:7,20,24 11:11,15,23 12:7,8,9,24 13:7,12,13,18 14:9,17 15:9 15:16,16 18:18 49:3 59:1 60:11			
cases 7:6			
casing 7:8			
catch 59:15			
catching 40:3			
caught 39:25			
cause 43:7 46:20			
cautious 23:19			
certificate 62:1 63:1			
certification 30:9			
certifications 29:25			
certify 47:11 62:4 63:2			
	chalk 40:7		
	challenges 37:11		
	chance 9:12		
	change 42:6,18 43:24 46:24 47:1 55:23 57:22		
	changed 41:24 55:1		
	changes 11:20 12:24 40:23 51:11 59:8,9 59:16,24		
	charlie 2:24		

[commission - convenience]

27:24,24 28:3 28:7 29:2,19 29:19 30:19 31:17 32:8,11 33:19,21 34:17 37:16,25 38:12 39:5,6 42:12 42:15,18 44:2 46:25 47:21 48:5 51:7 58:2 60:6 commission's 11:3 15:17 17:25 18:3,9 20:4 25:1,21 25:23,25 26:2 26:4,7,11 27:12,15 28:1 commissioner 1:7 2:3,5,6 4:2 4:13,17,17,19 5:3,6,9,11,12 5:16,25 6:2,13 6:17,18,24 7:16 8:2,13 9:2 9:8,11,17,21 10:5,10,14,21 11:10 12:3,16 12:19,22 13:5 13:10,15 14:1 15:6,8,11 16:8 16:12,19,25 21:14 22:20 24:13 31:10,20 33:6 35:11,14	35:16 36:1,9 37:4,4,20 38:9 39:16,20 40:1 40:3,22 41:17 41:25 42:8,24 43:1 44:5,9,10 44:14,18 45:12 45:18,23 46:9 46:9,12,17,18 46:19 47:5,25 48:1,2,17,18,23 48:24 49:1 50:18,24 51:1 51:10,13,24,25 52:11,11,13,20 52:25 53:4,5 53:11 54:8 55:12,16,17,21 56:3,9,12,22 57:8,9 58:12 58:13,15,16,19 58:22 59:3,6 59:13,20 60:4 60:8,16 commissioners 5:22 6:8 7:13 7:21 8:19 16:3 16:6,10,16 17:5 23:2 24:18 30:4,25 33:11 39:17 42:25 44:15 46:1 47:2,7,14 51:13	commissions 54:25 common 43:7 commonly 45:3 company 10:12 compared 30:18 completely 48:21 completion 20:4 47:13 55:4 completions 17:17 19:17 20:22 29:3 comprehensive 47:15 conceivable 41:11 concerning 22:15 concerns 23:24 31:16 47:19 55:20 concluded 61:1 conclusion 47:3 conclusions 26:22 27:7 concur 42:3 conducted 25:8 confer 41:16 conference 7:10 8:17 confirmed 21:15	consequences 45:9 conservation 1:1,14 2:12 4:25 5:1 7:22 16:11 consider 22:7 22:12 26:6 considerable 37:8 considered 25:20 26:5 27:18 39:1 50:12 considering 60:6 constituents 55:3 cont'd 3:1,2 contact 13:1 contains 47:12 contemplated 27:14 29:11,15 contend 28:19 28:22 29:14 contentious 11:11 contested 23:25 context 30:2 continuation 26:3 control 39:5 convenience 8:22
---	--	--	--

[conversation - department]

conversation 46:14 48:7 conversations 14:5 copy 56:8 coring 29:17 corral 2:25 correct 9:9 10:15,21 35:4 35:12 54:7 corrected 31:7 correction 23:16 54:20 corrections 56:7 counsel 2:7 10:8 21:17 26:1 37:19 38:23 46:2 47:9 52:1 57:20 62:11,14 63:7,10 countenanced 25:5 31:4 county 7:9 couple 40:6 51:23 53:2 course 26:2 27:16 28:6 29:9 31:2 56:14 court 4:6,10 18:22 covers 21:19	create 44:21 creates 42:20 cross 14:19 cryptic 14:2 d d 3:5 4:1 dacus 2:17 8:7 8:8 data 49:23 date 27:4,9 davis 2:13 16:2 16:3 17:3,4 22:21 31:22,25 33:7 39:6 41:8 41:17,19 60:3 60:4,5,9 day 28:11 39:4 41:3,7 days 13:20 de 9:15 10:1,4 11:23 37:12 deadline 26:19 26:24 deal 37:13 45:9 dealt 20:18 deana 2:10 16:23 decide 22:3 37:23 39:18 45:6 decided 43:12 43:19 46:24 decides 23:12 24:8	decision 18:23 22:16 23:13 29:20 32:8 38:3 39:10 44:17 47:1 48:20 decisions 39:11 46:7 deepen 47:10 47:16 defeat 19:20 defensible 44:21 define 50:7 defined 45:3 defining 43:7 definite 46:20 46:21 definitely 40:23 46:23 47:23 definition 29:24 30:6 43:4,18 45:2 52:4 58:3 definitions 43:14 57:24 delaware 2:19 8:12 deliberate 17:6 18:2,4,8,10,11 18:16,25 19:2 19:6 22:3,8 23:8 25:11 37:17 38:1,2 44:2,24 45:19	47:20 50:23 deliberated 23:17 39:8 deliberating 44:12 45:11 46:14 deliberation 18:5 23:19 24:8,11 43:21 45:1,6,13 46:3 46:8,22 47:18 49:2 deliberations 17:8,13,15,24 18:14 19:3,7 19:25 20:10 22:13,15 23:12 23:17 24:1,23 25:2,16,17,24 26:2,4 27:12 27:13,15,16 28:6,14 31:3 32:3,5,6,12 33:19,22 35:3 35:7,9 42:16 46:16 48:7 50:10,13 denied 31:4 51:7 denies 18:23 deny 31:17 44:4 department 1:13
--	---	---	---

[describe - employed]

describe 14:23 describing 38:16 design 13:19 designee 5:9,14 detailed 30:18 determining 7:25 developed 19:1 difference 28:20,22 39:12 different 25:22 33:20 39:10 differently 34:8 difficult 10:25 digital 62:8 63:3 directly 35:17 director 2:3 4:25 disclosed 55:3 disclosure 29:24 30:7 55:2,7 disclosures 54:24 discuss 18:13 20:12 43:12 44:12 48:16 50:1 60:18 discussed 14:4 17:8 21:17 32:5 42:6 50:15 52:2,5 58:24 59:2,8	discussing 58:17 discussion 20:11,18,24 33:23 50:5 discussions 41:13 43:3,15 50:9 disguise 27:22 dissatisfied 28:2 distinction 38:20 district 18:22 ditch 25:15 division 1:14 2:12 4:25 7:22 10:16 14:2 16:11 23:2 34:2,3,15,16,23 40:11 division's 14:9 34:8,10 53:25 54:3 docket 9:5,24 11:1,3,17,22,23 12:2 doctor 5:17 document 15:3 57:12 doing 24:3 36:5 37:11 door 37:1 double 55:14	downhole 17:19,22 18:15 20:15,22,25 21:15,18,19,21 22:9 28:23 29:1,8,13,22 30:1,7 32:17 32:23 33:4,16 40:17 41:11,21 43:4,11,12,19 43:22 44:25 45:2 46:3,5 47:22 49:3,7 49:15 50:6,7 58:3 dr 5:13,13 6:1 6:15,19,21 15:10 43:1,2 44:6,8 45:11 45:17,24,25 46:12,19 47:6 48:4 49:1,6 50:2,3,25 52:1 52:10,14 53:13 53:18 54:1,4 55:19 56:12,15 56:19,23,25 57:2,3,6,14,17 57:20 58:10,14 59:5,19 drawn 38:20 drill 47:10,16 drilling 19:19 21:10 49:11	drive 1:15 driven 21:9 drop 54:18 due 11:10 duly 62:5 dynamics 43:24
e			
e 2:1,1 3:1,1 4:1 4:1 earliest 8:22 echo 24:19 economy 2:16 16:7 21:17 economy's 15:22 20:7 25:1 eddy 7:9 edits 53:2 56:4 58:17,20,23 59:1 effectively 27:9 effects 54:2,5 effort 25:15,22 26:4 28:16 31:2 41:15 efforts 4:14 25:1 27:11,15 emnrd 2:20,21 2:25 3:8 emphasize 22:1 empire 6:11 employed 62:11,14 63:8 63:11			

employee 62:13 63:10 encompassed 20:15 encourage 23:11 energy 1:13 2:15,17,19 5:15 8:9,11 10:3 15:22 16:6 20:6 21:17 24:25 engage 17:12 17:23 22:15 32:12 engaged 14:2 engineering 2:18 8:11 enhanced 49:12 entered 7:22 entertain 35:22 entire 43:15 entirety 49:25 enumerated 29:16 environment 19:21 22:10 32:18,24 environmental 32:22 eog 2:10,22 16:23 18:17 19:13 31:14,15	equivalent 25:15 erik 54:1,4 error 26:7 28:4 31:6 es 62:4 especially 30:17 49:4 esquire 2:8,10 2:11,13,15,22 establish 30:16 establishing 30:24 et 21:5 events 14:10 everybody 4:3 60:22 everybody's 16:1 evidence 20:24 21:1 22:4,16 23:23 24:1 29:2,8,12 30:10 32:21 33:1 38:20,24 39:1,2 48:14 evidentiary 9:6 9:9 17:7 30:23 30:24 33:18 36:5,18,19 37:2 38:13,18 39:13 40:14 exactly 25:24 26:17 39:5	examination 14:19 example 21:4 29:16 39:2 excellent 5:16 6:2 8:2,13 9:2 13:5,10 15:6 15:11 16:12 31:20 59:3 60:16,18 exceptions 7:8 13:19 14:6 exclusive 19:9 19:13 excuse 42:17 exemptions 8:22 exhibit 21:5 exists 18:25 expand 28:17 expanded 30:12 expanding 30:15 expediency 10:23 expedited 11:12 experience 40:8 experts 29:13 explain 17:12 17:13,21 explore 29:13 expressed 26:10 31:17	38:23 extend 21:21 23:21 24:1 41:10 extending 50:4 extends 19:17 extra 11:14 extraction 15:19 21:8
f			
fact 45:1 49:16 facto 37:12 factor 44:1 fairly 39:10 far 14:15 45:16 fast 10:23 57:15 faster 11:1 favor 50:21 59:16 fe 1:16 7:15 february 26:20 26:22 27:3 feel 23:15 37:1 38:1 44:1 felicia 2:23 felix 3:7 figure 36:15 file 27:24 28:5 28:12 filed 10:3 32:9 filing 32:10 final 11:21 21:2 25:3,8,11,19 28:8,14 29:23			

[final - happened]

<p>30:3 35:10 38:22,25 39:9 39:14 40:8,15 51:8 59:1 finally 17:23 financially 62:15 63:11 find 13:17 finding 24:10 findings 26:22 27:7 fine 51:15 54:17 finer 24:20 first 5:2 6:5 7:6 17:11,25 36:7 47:8 52:15 fits 24:7 five 55:11 fix 53:24 flagged 54:10 flooding 21:9 fluids 55:4 focused 54:24 follow 36:8 37:14 57:25 forced 50:7 foregoing 62:3 62:4 63:4 forget 50:15 form 7:25 25:11 forward 11:7 46:13</p>	<p>found 12:11 40:18 four 55:6 57:18 57:25 58:6,7 frac 54:24 fracking 21:8 21:10 28:20,23 55:4 fracturing 29:4 francis 1:15 free 28:4 freshwater 19:22 22:11 32:19 front 60:9 frost 3:4 further 22:13 22:15 23:18 24:8 27:14 32:4,10 39:7 55:25 62:13 63:9</p>	<p>give 31:22 glad 51:21 globally 21:7 gluge 21:5 go 7:5 8:6 22:22 46:4 49:2 51:7 53:9 53:9 55:25 56:20,21 57:14 goal 44:21 goes 11:23 12:25 going 4:16 7:25 9:13 11:24 14:7,18 22:22 24:20,21 33:2 36:24 37:8,16 37:22,24 43:10 43:11,14,21,23 44:12 45:7 46:7 47:16 49:4 50:6,20 57:15 60:20 good 4:2 5:8 6:22 7:12,15 7:17,20 13:21 16:2,5,9,15,18 16:22 24:16 46:13 48:4,11 53:20 60:24 govern 25:7 grant 35:6 42:15 grappling 37:13</p>	<p>great 5:7 6:2 12:22 53:4 greg 5:8 gregory 2:5 ground 37:17 grounds 33:3 groundwater 54:19 grover 3:9 guardians 2:14 15:22 16:4 20:6 21:5,17 24:25 guess 9:3 36:6 38:13 39:17 42:13 44:14 45:6 gwendolynne 3:4</p>
			h
			<p>half 39:4 hall 4:3,18 53:12 hand 35:17 39:24 40:2 handful 53:2 handle 42:23 54:13 hands 28:5 handy 49:10 hannah 3:9 happen 12:7 happened 14:11 19:24 25:24 26:17</p>

[happened - issues]

<p>32:3 happens 49:15 happy 21:23 26:12 35:22 harmful 32:23 32:24 harms 32:22 hart 2:8 7:15 16:17 heads 12:17 health 19:22 22:11 32:19,22 51:21 hear 4:3,4 5:5 18:19 23:4 34:25 35:1 36:4 45:21 50:20 heard 8:24 11:22 34:23 45:15 hearing 2:23 8:24 9:7,9,15 10:17 17:7,16 17:19 19:24 20:3,17,21 21:12 22:2,5 22:19 23:24 26:9,15,18,19 27:2 29:9,18 31:24 32:21 36:18,19 37:2 37:13 38:6,7 38:10 40:9,12 40:19 41:3,8</p>	<p>41:23 43:16 45:19 48:14 49:14 50:16 55:9 hearings 19:5 helpful 13:17 13:23 15:2,5 hereto 62:15 63:11 hey 5:8 historically 38:20,25 holland 2:8 7:15 16:17 hopefully 8:24 horowitz's 36:21 human 22:10 humans 54:3 hundred 49:19 hydraulic 29:3</p>	<p>44:1 55:5 imposed 24:22 improper 25:4 25:4 27:13,17 27:20 28:14,16 31:3 improperly 26:1 inadequate 24:11 include 26:21 30:22 34:3,4 34:10 41:11 43:13 45:5 56:7 57:22 included 29:21 41:21 including 21:8 27:2,6 42:4 increases 55:7 indicate 9:12 14:22 indicated 45:8 indicating 46:21 indirectly 24:2 individual 32:16 industry 43:7 influence 25:1 26:4 27:15 28:6 31:2 information 29:20 36:11,12 42:5 55:5</p>	<p>inserted 33:24 instance 19:19 intend 7:23 intended 41:9 intentional 50:13,14 intentionally 14:16 interested 62:15 63:12 interject 25:22 interjecting 25:17 interpret 34:8 intoning 46:22 introduce 47:11 introduced 38:21 introducing 36:6 invite 26:7 issue 15:4 17:6 17:9,13,24 18:2,16 19:24 21:18 22:8,15 28:10 31:6 32:5 41:2,23 41:24 42:20 issued 26:18 issues 14:8 20:8 25:3 27:25 44:23 45:21 48:6,9</p>
	<p>i</p>		
	<p>idea 45:2 ideal 45:9 ignore 47:21 impact 43:15 46:7 52:9 impacts 52:6 implement 22:13 implications 30:11 42:6 46:20,21 important 19:16 22:6</p>		

[issuing - mean]

issuing 28:7	47:15,19,19	limits 18:10	m
item 5:19 47:9 47:20	48:8,13 49:3,9 49:13,14,19,22 49:22,24,25 50:1,3,8,9,10 50:11,13 51:16 51:16 52:5,23 54:11,13	line 23:23	made 34:18 39:9,10 44:17 46:8 47:1,2 48:1,20 54:20
j	knowledge 62:10 63:6	lines 15:1 55:10 55:11	maintenance 49:11
j 3:6	l	list 2:2 3:2 29:24 30:7 55:2	major 51:15
jesse 2:11 7:21 16:10	lack 42:5	listed 18:6	make 10:19 14:21 15:25 22:16 28:12 32:8,16 35:7 35:20 37:5 41:1,19 50:18 53:13 55:22 59:9,23
job 1:23	laid 27:25	litigation 60:14	manager 2:17 8:8
joined 31:14	land 45:17	little 9:23 10:24 37:6 50:1 51:20 53:14 55:25 57:15	march 17:8 19:3,25
joint 15:22 51:6 54:11	lands 5:10	llc 7:7,14	mariel 2:15 16:6
jordan 2:22	law 2:20	llp 2:8	martin 54:1,4
jot 7:3	laws 52:8	logical 35:5	mary 63:2,15
judgment 36:23	lawyers 39:2	long 9:12 19:7 32:13	matter 8:24 11:8,22 17:22 25:25 54:14
july 9:17,19,23 11:1,8,13,16,23 48:9	leading 41:13	longer 9:23	matters 23:25 48:15
june 9:4,7 10:1 11:11,20,21 12:2,25 48:9 62:17 63:13	learning 40:7 59:14	look 9:5,18 10:2 13:18,22 26:13 32:25 37:19 46:13 47:8 48:9,21 49:4 52:3,7 56:15 57:21	maxwell 1:22 18:17 19:14 62:2,19
justifies 30:24	leave 44:16	looked 34:2	meadows 3:3
k	legal 10:17 22:14 26:21 32:11 39:14	looking 12:13 13:18 36:22 48:21 49:3,7	mean 11:14 14:1 34:19
keep 5:2 12:4,6	legally 39:21	looks 6:22 37:12	
kessler 2:22	legislature 52:3	lot 36:4 49:14	
kind 34:14 46:23 49:24	length 32:20		
know 10:2,6 11:13,17 13:4 37:15,19 39:1 39:24 43:3,4,6 43:6,13,14,18 44:22 45:16,21	level 49:20		
	limit 26:23		
	limitations 24:22 43:8		
	limited 17:16 20:3,22 23:9 41:6 45:4		

[mean - noticed]

37:7 means 11:8 19:9,13 23:25 45:4 49:24 medai 2:25 meeting 1:2 5:18 6:5,5,7,9 6:20 7:2 18:5,6 19:7 32:13,14 33:25 38:16 60:20,22 61:1 memorandum 12:7 memory 13:19 mentioned 4:15 4:24 13:21 30:9 49:8 merits 8:21 45:10 mess 13:15 methods 21:8 mexico 1:1 2:11 5:14 7:9 15:21 16:18 49:17 midstream 6:12 mindful 37:11 minerals 1:13 minutes 6:5,5,7 6:9,20,23,25 7:2 10:18 misplaced 18:21 misrepresent... 34:21,24 35:2	36:12 missing 24:10 mistake 28:4 mixed 49:21 moander 2:21 model 58:7 moderated 1:7 modify 31:2 modrall 16:23 moment 8:7 37:25 57:16 month 11:14 12:9,12 39:7 months 34:16 morning 4:2 5:8 7:12,15,17 7:20 16:2,5,9 16:15,18,22 22:19 24:16 motion 5:20 6:15 15:22 17:5 18:2,18 18:19 19:8,10 21:3,25 23:3,5 23:20 25:14,21 26:3 27:17,20 27:21,22 28:12 28:15,19,22 30:14 31:4,15 31:18 35:6,7 37:18 38:11,12 38:17 42:16 44:4 49:9 51:6 58:23 60:6	motioned 59:17 motions 10:8 23:19,20 27:7 28:5 move 5:24 6:15 6:22 11:7 12:9 12:12 13:11,11 15:9,15 44:17 58:20,25 60:12 moving 19:12 57:3,8 multiple 10:8 43:4	need 4:23 6:4 14:8 38:2 39:18 45:3 47:17,24 56:10 59:10 needed 30:8 60:18 needs 24:9 negates 50:8 neither 55:21 62:11 63:7 never 41:14,24 new 1:1 2:11,15 5:14 7:9 15:20 15:22 16:6,18 20:6 21:17 24:25 25:23 32:23 36:6 48:12,14 49:17 nm 1:16 3:9 nmac 20:7 nmoga 18:17 19:13 32:15 41:1 nmoga's 31:14 31:15 nodding 12:16 12:17 notary 62:20 note 33:8 notes 52:12 notice 23:8,10 42:5 noticed 18:8 19:8 32:13
		n	
		n 2:1 3:1 4:1 name 10:12 nanasi 2:15 16:5,6 narrow 24:10 35:8 narrowly 23:13 33:22 42:16 natural 1:13 nature 11:11 navigate 53:21 nay 36:15 37:22 59:10 nays 59:21 necessarily 23:20 38:24 58:1 necessary 14:12 23:15,17 24:9 38:19	

need 4:23 6:4
14:8 38:2
39:18 45:3
47:17,24 56:10
59:10

needed 30:8
60:18

needs 24:9

negates 50:8

neither 55:21
62:11 63:7

never 41:14,24

new 1:1 2:11,15
5:14 7:9 15:20
15:22 16:6,18
20:6 21:17
24:25 25:23
32:23 36:6
48:12,14 49:17

nm 1:16 3:9

nmac 20:7

nmoga 18:17
19:13 32:15
41:1

nmoga's 31:14
31:15

nodding 12:16
12:17

notary 62:20

note 33:8

notes 52:12

notice 23:8,10
42:5

noticed 18:8
19:8 32:13

[november - oversight]

november 17:7 19:1 22:5 32:9 novita 3:10 novo 9:15 10:1 10:4 11:23 number 7:6,9 15:16 55:1,2,4 55:6 57:18,21 57:24 58:5	oh 5:7 8:5 10:10,14 40:1 59:10 oil 1:1,14 2:11 4:25 5:1 7:21 15:19 16:10,18 19:11 21:7,10 34:1 49:12 okay 5:5,25 6:17,24 7:5 8:2 8:15 9:2,8,21 12:19,22 13:2 13:10 14:15 15:11,12,15 17:3 27:10 35:14 36:1 37:16 38:8 40:22 41:17,25 42:8,24 44:5,9 44:14 45:12,18 45:23 47:25 48:17 50:24 51:5,24 52:25 53:7,20,23 54:8,21,23 55:16,17,21 56:3,9,19,24 57:4,13,16 58:7,11,12,15 58:19,22 59:3 59:6,21 60:1 60:11,16,18 olson 2:18 8:10 8:10 12:20	olympic 49:19 49:20 once 50:5 ongoing 25:24 open 9:20 11:17 18:4,12 26:8,15 32:13 33:10 36:12 37:1 42:25 43:11 46:23 47:24 50:6 56:20 opened 26:24 opening 9:4 40:14 41:22 51:2 opens 40:23 operating 7:7 7:14 operation 19:20 30:1 32:17,23 41:11 operations 17:20,22 18:15 20:15,22,25 21:15,18,20,22 22:9 28:24 29:1,4,8,10,13 29:14,16,18,22 30:7,20 33:4 33:16 40:17 41:6,10,22 43:5,12,19,22 44:25 46:3,5 47:22 49:4	50:6,7 58:4 operator 19:18 operators 55:3 opine 13:23 opinion 33:12 opportunity 27:8 31:23 opposition 14:19 23:4 options 37:2 orally 25:12 order 7:9 14:10 25:3 26:18,20 27:3,24,25 28:8,10 35:10 37:10 44:21,22 47:8 51:9,20 59:1 orders 25:7 59:7 orth 2:23 33:8 35:20 38:5 39:16 outcome 27:8 62:16 63:12 outgrowth 35:6 outlined 21:2 33:2 41:6 outside 25:6 28:9 overload 11:3 oversight 32:3
o			
o 4:1 observations 38:14 observe 7:24 occ 55:10 occ's 30:5 occp 47:8 occur 49:8 ocd 13:18,22 14:22 15:2,4 17:18 20:2 21:12,14,20 36:4,11,22 42:10 43:6 ocd's 17:16 20:1,17 21:16 40:12,15,20 58:1 offer 38:14 office 7:15 officer 2:23 26:18 38:6,7 38:10 62:2 official 50:19			

[p - premature]

p	people 45:21	21:19,21 22:4	political 3:9
p 2:1,1 3:1,1	perfluoroalkyl	22:7,9,12	polyfluoroalk...
4:1	15:18	28:20,23 32:19	15:18
page 36:20	period 28:11	32:24 33:4,17	pool 49:19,20
54:23 55:9,10	permeate 48:10	41:21 47:12,18	portion 48:14
55:11 56:16,21	permian 7:7,14	52:4 54:1,4	pose 35:19
56:23,24 57:7	permit 36:2	philosophy	position 19:14
paranoia 40:14	47:10	42:14	20:3 21:16
part 14:14	perspective	phrase 30:1	23:2 34:8
29:23,24 43:13	14:9	33:16,17	38:22,25 39:14
43:16 47:21	petition 25:21	place 18:9	40:13,15,20
50:9,14	48:12	20:11 29:22	41:24 50:11
participation	petitioner	30:8	positions 25:19
14:20	42:21 51:16	plan 14:3	27:7
particular 8:3	54:16	platform 8:4	possessive
10:24 12:9,24	petitioner's	33:8 38:11	51:18 54:12,16
13:6 15:9 38:5	25:14 26:1,3	53:12	possible 11:7
60:1	27:20 28:15	please 4:22 7:4	11:21 12:1
parties 7:11	29:23 30:2,6	16:16 24:17	18:6 32:17
15:24 23:4,24	35:6 36:20	43:1 58:21	42:19,20
25:19 26:24	44:16 55:1,8	plug 47:10,17	possibly 10:24
27:1,6,23 28:2	57:22	plural 51:17,17	post 26:19 27:2
34:25 38:22	petitioners	51:18 54:12,16	55:9
40:10,18 41:8	24:3 27:2	plus 56:4	potential 29:7
41:13 62:12,14	28:19,21 29:10	point 8:19 21:4	30:11
63:8,11	29:12 30:12	24:20,21 31:6	potentially
party 26:21	31:5 33:25	32:2,15 36:25	13:17 43:9
party's 39:14	34:6,22 35:2,4	37:17 39:18	powell 3:8
passed 52:3,8	41:9 48:13	41:5,20 44:21	21:13,15
path 38:16	50:20 51:17	50:23 51:3,8	powell's 36:21
pathway 32:24	54:11,11	53:3 56:10	pre 9:15 17:16
pecos 4:3,18	pfas 17:9,14,17	57:18 58:6	20:3,17
53:12	18:14 19:2,16	60:12	precedes 21:10
pending 7:5	19:17,18 20:4	points 31:23	premature
60:13	20:14 21:6,15		27:20 28:16

[prematurely - rankin]

<p>prematurely 27:22</p> <p>prepared 63:3</p> <p>present 4:12 5:18 7:11,25 8:21 14:8,17 15:3,24,25 16:1</p> <p>presented 22:4 23:5 29:2,9,13 32:9 49:23 59:7</p> <p>presenting 11:8 14:18</p> <p>pretty 9:19 53:21</p> <p>previously 19:4</p> <p>prior 17:15,18 18:13 19:25 40:12 62:5</p> <p>priority 11:18</p> <p>probably 14:19 23:3 36:3 47:24 50:15</p> <p>procedural 18:3 23:6,22 24:7 25:7</p> <p>procedurally 25:4 27:19 28:16 36:16</p> <p>procedure 23:21 56:11</p> <p>procedures 32:10</p>	<p>proceed 35:9 38:4 39:19 51:4</p> <p>proceeding 1:12 63:4</p> <p>proceedings 18:1 28:14 62:3,5,6,9 63:6</p> <p>process 24:11</p> <p>produce 11:6</p> <p>produced 39:8</p> <p>production 21:9,11</p> <p>professor 5:14</p> <p>program 7:8</p> <p>proper 31:7</p> <p>proponents 49:8</p> <p>proposal 13:22 20:1,2</p> <p>proposals 15:5</p> <p>proposed 14:15 17:18 20:7,12 20:16 21:1,3,7 21:25 25:9 26:9,22 29:23 29:25 30:6 41:20 51:11 55:1 57:22 60:6</p> <p>protect 19:21 22:10</p> <p>protecting 32:18</p>	<p>provide 15:2 17:11 18:1 21:24 26:25 55:5</p> <p>provided 18:5 32:11 41:23 51:9</p> <p>providing 32:6</p> <p>provision 17:18 20:12,17 29:25</p> <p>prudent 23:4</p> <p>pubco 18:18,21</p> <p>public 5:10 19:21 32:19,22 51:21 55:5,7 62:20</p> <p>pull 53:1</p> <p>purpose 30:8 35:8</p> <p>purposes 19:20 25:10 26:16 27:4</p> <p>push 40:19</p> <p>put 9:23 24:20 26:12 47:9 52:13</p>	<p>44:11,15 46:1 46:2,13,22 47:7 48:4 50:19 52:2</p> <p>questions 5:21 5:23 6:8,19 15:7,9 21:13 21:16,22 33:11 35:18 39:21 42:25 44:7,19 48:6,24 51:15 53:2 58:13</p> <p>quick 41:20</p> <p>quickly 11:7 12:11</p> <p>quote 19:6 28:21,22</p>
			r
			<p>r 2:1 3:1 4:1 7:9</p> <p>raise 28:5 39:24 40:2 44:23 45:22 48:4</p> <p>raised 17:6 18:2 37:18</p> <p>rankin 2:8 7:12 7:13,17 8:16 8:18 9:22,25 10:22 11:2,19 12:8,11,13,18 13:3,8 15:14 16:15,17,20 24:15,16 31:11 31:16 40:24,25 42:4</p>
		q	
		<p>qualified 62:7</p> <p>quality 39:5</p> <p>question 20:21 33:18,21 34:14 35:19,21,21,25 36:7,10 37:6 37:21,24,24 38:5 43:17</p>	

[rather - resources]

<p>rather 11:22</p> <p>rationale 30:17</p> <p>razatos 1:7 2:3 4:24</p> <p>reach 12:8</p> <p>read 13:20 34:18</p> <p>reads 53:25</p> <p>ready 44:13</p> <p>real 37:12</p> <p>really 11:13,25 19:16 32:17 34:15</p> <p>reason 13:1 23:14 35:18 43:6</p> <p>reasonable 12:4</p> <p>reasons 21:3,25 25:3,13 26:10 28:8,10 35:10 51:9 54:25</p> <p>recall 10:13 20:20 33:24</p> <p>received 30:19 51:10</p> <p>recompletions 17:17 19:18 20:5,23 29:3 47:13</p> <p>reconsider 46:6</p> <p>record 17:21 18:25 19:1 20:24 21:23 22:17 24:4,23</p>	<p>25:2,9,18 26:8 26:15,23 27:4 27:13,23 28:18 28:25 29:12 30:11,15,17,23 30:24 31:1 32:8 33:1,18 36:6 38:13,18 38:21 39:13 40:9,13,14,16 41:2 51:6 62:9 63:5</p> <p>recorded 62:6</p> <p>recording 62:8 63:4</p> <p>recovery 49:12</p> <p>redfern 3:6</p> <p>redline 17:16 20:1 34:3,10 34:20 40:6,8 40:10 41:20 58:2</p> <p>redlines 40:10</p> <p>reduced 62:7</p> <p>refer 51:16</p> <p>reference 40:13</p> <p>referred 40:11</p> <p>reflected 40:16</p> <p>reflection 39:7</p> <p>regulation 22:8 26:14</p> <p>regulations 19:5,12 25:7 26:8,11</p>	<p>regulators 55:8</p> <p>rehearing 18:22,23,24 19:8,12 27:21 27:22 28:11,12 31:5 32:10 37:19 48:12</p> <p>reiterate 19:15</p> <p>rejected 20:10 28:15</p> <p>related 29:3 54:23 62:11 63:7</p> <p>relative 62:13 63:10</p> <p>reliance 18:20</p> <p>relied 40:9</p> <p>relief 19:9 32:4</p> <p>remain 26:8,15</p> <p>remained 26:24</p> <p>remember 49:13</p> <p>remote 1:12 4:16</p> <p>remotely 4:23</p> <p>reopen 22:2 23:12 24:1 33:19,22 35:3 35:7 36:18 37:17,22,23 38:1,12 42:16 50:17,22</p> <p>reopening 23:23 36:5,13 36:15 37:12</p>	<p>38:18 39:13 48:6</p> <p>repeat 21:1 33:2 34:12</p> <p>rephrase 28:21</p> <p>reply 30:14</p> <p>report 3:9</p> <p>reported 1:22</p> <p>reporter 4:10 4:12</p> <p>representation 35:4</p> <p>representations 10:19</p> <p>representative 14:22</p> <p>request 18:22 31:17 38:18 44:16</p> <p>requested 8:21 9:1 21:1,19 30:12 50:21</p> <p>requesting 32:7</p> <p>requests 14:13</p> <p>requirement 7:8</p> <p>requirements 23:10 24:21</p> <p>reserve 14:16</p> <p>reshare 57:10</p> <p>resolves 11:24</p> <p>resources 1:13 2:10,22 10:3 16:24 19:22 22:11 31:14</p>
---	---	--	--

<p>32:19 respond 26:6 response 18:18 21:13,16 31:15 restrictions 18:7 reuse 39:8 review 14:23 18:22 37:10 52:12 reviewed 14:3 14:21 revisited 39:9 rewrite 58:6 richardson 3:5 right 5:4 12:21 37:25 38:10,24 42:23 44:11 49:18,20 53:6 53:8,9,20 57:1 59:11 rise 14:5 risk 42:21 roadmap 17:11 role 38:13 roll 4:23 room 22:23 34:7 roundhouse 39:4 rule 17:16 19:21 20:12,16 21:1 25:11 27:25 28:2 29:1,22,23</p>	<p>30:3,21,21 33:24 39:8 41:5,21 42:19 44:24 48:10 52:3,9 60:7 rulemaking 18:1 19:5 24:23 25:8,9 26:7,15,18 27:1,5,9 28:17 28:24 29:6,11 41:14,16 43:20 47:8 rulemakings 23:21 rules 15:17 17:25 18:3,9 24:7 28:1,9 43:9 46:15 ruling 47:23 running 29:17</p>	<p>says 21:6 scope 17:9,14 19:2,16 20:13 20:21 22:3,7 22:12 25:6 28:9,17 29:1,5 29:15,21 30:12 30:15,20 41:10 43:8 50:4 screen 12:14 22:22 26:12 52:19,21,23 53:10 scroll 53:18 57:4 second 6:25 41:3,7 56:18 57:13 59:4,5 secretary 5:15 section 20:2,13 33:15 54:23 57:24 see 8:17 12:17 15:24 23:9 24:4 35:16 36:14,22 40:2 41:18 43:21 46:4,5 48:10 50:5 53:6,10 53:12,15,19 60:23 seek 19:9 31:5 seeking 22:2 seem 44:1</p>	<p>seems 32:16 seen 49:22 52:15 send 32:23 59:10 sense 49:16 sentence 42:17 separate 20:8 serves 13:19 session 18:4,12 25:25 27:17 set 8:20,23 12:24 setting 26:19 shandler 2:7 4:21 33:10,13 33:13 35:12,13 35:17,22,25 36:3,10,17 37:15,21 38:15 39:11,22 42:10 42:13 43:17,25 45:8 51:3,5 52:7,17,21,22 54:6,10,15,20 55:12,14,22 56:3,6 58:5,11 58:20,21 59:9 59:12,14,23 60:13,15 share 52:19,21 52:23 sheila 2:20 7:3 9:3 12:4,6 52:23</p>
	<p>s</p>		
	<p>s 2:1 3:1 4:1 51:18 safest 49:16 saint 1:15 sake 10:22 samaniego 10:12,18 santa 1:16 7:14 save 48:11 saw 13:20 39:23 saying 24:20 54:3 57:21</p>		

[shooting - swimming]

shooting 29:4 shortened 12:25 shorter 11:25 shove 40:20 show 32:12,21 47:17 shown 54:2,4 shows 15:4 sign 56:8 58:9 signature 59:9 59:24 62:18 63:14 significant 20:23 28:24 39:10 significantly 28:25 simply 18:21 19:10 singular 51:17 sir 58:10 sit 6:16 sitting 11:5,5 skills 62:10 63:6 slotted 12:1 slow 59:14 slowly 59:13 smaller 14:8 solid 37:17 sorry 8:7 sort 15:3 49:7 sounds 50:4	south 1:15 speak 41:12 51:22 speaker 4:4 specific 17:24 23:14 24:4,10 24:21 47:22 specifically 22:8 specified 26:16 26:20 specifies 26:14 spend 48:13 spent 6:11 37:8 39:3 sperling 16:23 spill 49:23 spills 49:24 spot 57:1 staff 2:13 14:7 14:21 stale 58:6 stance 46:25 48:19 stand 34:21 38:2 47:4,23 stands 37:10 start 17:3 39:20 46:10 state 1:1 18:3 31:23 46:16 49:21 62:21 stated 19:4 22:14 31:24 34:9 41:22	42:4,11 54:1,4 statement 21:3 21:20,25 25:3 25:12 26:10 28:8,10 41:22 48:1 51:9 statements 9:15 25:19 34:18 35:10 44:19 55:13 states 18:21 stating 36:11 status 7:10 8:16 step 51:12 stephanie 3:3 stephen 3:5 stop 57:5 strengthening 51:20 strike 10:8 43:5 43:18 46:2,5 49:5 strikes 30:5 strong 14:18 44:22 strongly 50:12 struck 45:1 stuck 54:16 studies 53:24 54:1 study 21:6 subject 20:23 23:10	submissions 27:6 submit 40:8 59:24 submittals 26:9 26:19 27:3 submitted 25:20 27:2 40:11 subsequent 34:6 37:10 substances 15:18 20:4 sufficient 22:10 suggesting 24:2 suit 57:25 supervisor 2:18 8:11 support 20:25 28:25 30:14 34:15,19 46:16 supported 28:17 34:12 40:16 supports 17:22 19:12 21:14 30:15 sure 14:21 15:25 24:7 35:20 37:5 59:12 surface 49:24 sway 25:16 swimming 49:19,20
--	--	--	--

sworn 62:5	testimony 29:2	22:6 23:3 24:5	times 18:11
t	30:10,16,18	24:9 35:5	43:4
table 37:3	36:21,21 41:23	36:19,22 37:2	timing 14:11
tailored 23:13	texas 62:21	37:9,20,21,23	title 10:8
33:23 42:17	thank 4:6,13,19	37:23,24 38:19	today 4:8,14
take 9:13,22	5:4,7,10,11,16	39:12 40:18	7:6 8:4 18:12
11:1,17 13:22	6:17 7:16 8:13	41:2,12 42:14	18:20,24 19:10
23:2 39:1	8:18 12:22	42:18,22,22	34:13,21 42:7
42:14 44:16	13:4,5,11,25	45:8 46:22	56:8
48:7,19	14:25 15:5,10	48:5,11,15,20	toeing 23:22
taken 8:25	15:12,14 16:8	48:20 49:6,10	together 47:9
38:22 42:21	16:12,19,25	49:13,23,25	took 43:23
62:3,12 63:9	17:4 22:18,20	51:15,18,20	tools 29:17
talk 19:23	24:12,13,17	53:7,23 54:9	top 53:10
talked 32:20	31:9,10,13,19	54:17,22	topic 60:2
talking 49:10	31:20,25 33:5	thought 9:12	touch 12:4
tanner 2:18	33:6 35:11,24	36:22	towards 51:19
8:10 12:20	38:7 39:16	threat 49:14	toxic 49:18
team 14:14	40:3,5,25	three 33:14,23	toxicological
teams 5:2	41:25 42:3,8	34:1,4,5,11,12	54:2,5
teaspoon 49:19	43:2 46:11,17	34:15,19 35:8	transcriber
tech 5:14	47:6 48:17	42:17,17 47:2	63:1
technical 14:7	52:10 53:4	55:4 56:10	transcript 46:4
14:14,23 30:17	54:21 55:20	57:21 58:7	55:10 63:3,5
30:18	60:5,7,8,22	thursday 1:8	transcription
techniques	thanks 22:18	tie 33:25 34:2,4	4:11
21:11	thing 39:3	36:24 44:3	transcriptionist
tell 34:17 57:5	42:23	tim 2:13 16:3	62:8
term 30:7 43:7	things 9:22	time 11:6 22:18	transfer 5:3
43:10,12 44:2	10:23 14:11	28:13,13 31:8	transported
45:3 57:23	33:20 40:6,23	37:9 38:17	49:22
terminated	46:24	41:15 48:8,11	treatment 29:5
27:9	think 6:10,14	52:15 56:13	49:11
testifying 62:5	11:1,11,15	timeframe	tremaine 2:11
	12:3 15:25	23:10 26:16	7:18,20,21

[tremaine - went]

10:5,7,11,16 13:17,25 15:1 16:9,10 22:24 23:1 24:14,19 39:24 40:1,4,5 41:4,12 true 19:11 24:5 62:9 63:5 trust 53:10 55:7 try 53:7,16,21 57:11,12 trying 36:15 turns 11:24 two 20:8 30:13 33:20 34:16 38:14 51:15 52:8 53:23 55:2 type 29:14 44:2 types 29:7 30:19 typewriting 62:7 typo 54:7 typographic 53:24 typographical 56:5,7 typos 51:23	unanimous 59:22 under 7:9 8:25 15:19 19:4 20:13 25:6 26:7,10 54:23 understand 10:22 36:25 understanding 39:14 41:14 45:14 understating 14:16 understood 11:2 41:5,9 undisclosed 20:9,14,18 57:22 unidentified 4:4 unintended 43:8 unintentional 52:4 unmuted 8:5 unnecessarily 23:21 unshare 57:9 untimeliness 42:4 uptake 59:15 use 15:19 19:18 43:10,19,23 52:4	used 21:7,7 29:22 30:2 45:3 using 47:17 usually 38:22 utilize 23:25	32:16 33:22 34:24 37:22 38:1 39:18 40:25 41:19 44:15 45:5,21 51:12 52:12 54:13,24 55:6 56:15 57:9 wanted 34:1 35:20 37:5,11 38:6 42:2 51:19 52:5 wanting 11:3 wants 33:19 water 39:4,8 way 11:15,15 44:3 46:24 47:1,3 50:5 59:7 we've 32:11 37:8 49:22 52:15 week 48:14 60:21,23 weekend 60:24 weeks 6:11 48:14 weigh 36:25 weighty 48:15 wellbore 13:19 wells 2:17,18 8:8,11 11:5 29:5 went 39:9
		v	
		valid 37:24 verbatim 58:7 version 40:6 versus 28:23 54:3 videoconfere... 2:4,5 view 23:6 30:25 vogging 29:16 volume 38:8 vote 6:15 25:8 45:12,18,22 50:16,19,22,25 voted 20:1,17 28:7 votes 28:3	
		w	
		wait 28:9 waited 11:12 waiting 34:16 35:1 walk 51:11 52:15 want 10:19 19:19 23:9,9 24:19 29:10 30:21 31:5	

[whatnot - zoom]

whatnot 54:12 wildearth 2:13 15:21 16:3 20:6 21:4 24:25 william 2:6,17 5:13 window 56:18 wireline 29:17 witness 21:12 53:25 54:3 62:4 witnesses 30:13 wonderful 52:16 wondering 52:18 word 42:17 54:19 worded 35:5 words 33:14,23 34:1,4,5,11,12 34:15,19 35:8 work 12:2 14:21 46:15 worked 47:3 working 4:22 14:6 works 36:16 wrapped 10:17 written 25:11 26:9 28:8 wrong 57:12	x
	xto 2:9,17,18 7:7,14 8:8,11 13:4,21 14:2,4 15:2
	y
	yay 36:14 37:22 59:10 yeah 12:20 36:17 45:25 52:1,14 53:13 53:18 55:19 56:23 57:6,14 57:19,20 yep 57:11
	z
	zachary 2:7 zoom 56:21