

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION
Meeting Minutes
Regular Meeting
January 4-15, 2021**

The Oil Conservation Commission meeting was held via Webex Meeting platform.

MEMBERS PRESENT:

Adrienne Sandoval	Chair, Oil Conservation Division
Jordan Kessler	Designee, State Land Office Commissioner
Thomas Engler	Designee, Energy, Minerals and Natural Resources Department

OTHERS PRESENT:

Felicia Orth, Hearing Officer Appointed by Commission
Baylen Lamkin, Host
Dylan Rose-Coss, Host
John Garcia, Host
Sally Malavé, Counsel for the Commission
Christopher Moander, Counsel for the Commission
Florene Davidson, Commission Clerk

The meeting was called to order by Hearing Officer Orth at approximately 8:30 a.m.

Item 1. Roll Call.

Action: Roll was taken; a quorum was present.

Item 2. Approval of agenda.

Action: Agenda was approved by all members of the Commission.

Item 3. Approval of minutes of December 9 and 30, 2020 meetings.

Action: Minutes were approved by all members of the Commission.

Item 4. Case No. 21528: (A) Public rulemaking hearing under 19.15.3 NMAC on the application of the New Mexico Oil Conservation Division to consider proposed rules to regulate the venting and flaring of natural gas from oil and natural gas production and gathering facilities; (B) Deliberation and possible action on proposed rule changes.

Action: Appearances were made by Eric Ames for the Oil Conservation Division (OCD); Michael Feldewert and Adam Rankin for the New Mexico Oil and Gas Association (NMOGA); Ari Biernoff for the Commissioner of Public Lands and the State Land Office (OFS); Tannis Fox and David Baake for Conservation Voters New Mexico, Dine CARE, Earthworks, Natural Resources Defense Council, San Juan Citizens

Alliance, and Sierra Club, collectively known as Climate Advocates; and Elizabeth Paranhos for the Environmental Defense Fund.

Witnesses for the hearing were as follows:

OCD's witnesses:

Tiffany Polak, Deputy Director of the Oil Conservation Division (OCD); Brandon Powell, OCD's Engineering Bureau Chief; Matt Lepore, Principal of Insight Energy Law and former General Counsel and Director of the Colorado Oil and Gas Commission; and Jim Bolander, Registered Professional Engineer.

NMOGA's witnesses:

John Smitherman, Senior Advisor for NMOGA; Paul Curtis Thompson, President of Epic Energy; Morgan Iannuzzi, Mid-Continent Business Unit Air Team Lead with Chevron; Paul S. Reinermann, Field Environmental Manager with Enterprise Products Partners; Zachary Craft, Legal Counsel for Enterprise Products Company; Joseph Leonard, Facilities Engineer with Merrion Oil and Gas; Jeffrey Ryan Davis, Operations Manager with Merrion Oil and Gas; David Greaves, Facilities Engineering Manager with XTO Energy, a subsidiary of ExxonMobil; Michael Smith, Environmental Professional with Devon Energy, and Yolanda Perez, Senior Regulatory Consultant of Regulatory Affairs with Occidental Oil and Gas.

SLO's witness:

Danny Martinez, Division Director of the Management Division of the New Mexico State Land Office.

Climate Advocates' witnesses:

Brenda Ekwurzel, Director of Climate Science at the Union of Concerned Scientists; Alexandra Tietz, Expert Consultant to Nonprofit Environmental Advocacy Organizations; Don Schrieber, Ranch Owner in the San Juan Basin in Northwest New Mexico; Dr. Thomas Singer, Senior Policy Adviser at the Western Environmental Law Center; Charles de Saillan, Staff Attorney with the New Mexico Environmental Law Center; Nathalie Eddy, Field Advocate for New Mexico with Earthworks; Mario Atencio, Member of the Torreon Chapter of the Navajo Nation and a member of the Board of Directors of Dine Care; Kendra Pinto involved with the Community Empowerment Project with Earthworks and on contract with Dine Care; Dr. David McCabe, Senior Scientist at Clean Air Task Force; and Leslie Fleischman, Senior Analyst at the Senior Task Force.

Environmental Defense Fund's witnesses:

Jon Goldstein, Director of Regulatory and Environmental Affairs with Environmental Defense Fund; Dr. David Lyon, Scientist with Environmental Defense Fund; and Tom Alexander, Consultant to Environmental Defense Fund.

Public comments were scheduled from 8:30 a.m. to 5:00 p.m. on January 4, 2021 and from 8:30 a.m. to 12:00 p.m. on January 5, 2021.

All scheduled public comments were taken on January 4, 2021. The hearing was adjourned at 2:57 p.m.

The meeting was called to order on January 5, 2021 by Hearing Officer Orth at approximately 8:30 a.m.

Scheduled public comments were taken beginning at 8:30 a.m. on January 5, 2021. The technical hearing began at 1:00 p.m. A discussion was held on the Motion to Exclude some of Climate Advocates' Evidence and the timing of the response to that Motion. It was agreed by all parties that the response deadline would be January 11, 2021.

Mr. Ames, Mr. Feldewert, and Ms. Fox made opening statements.

The hearing was adjourned at 4:58 p.m.

Scheduled public comments were taken from 8:30 to 9:00 a.m. and from 4:30 to 5:00 p.m. on each of the remaining days of the hearing.

The meeting was called to order on January 6, 2021 by Hearing Officer Orth at approximately 8:30 a.m.

OCD's witnesses were Tiffany Polak, Deputy Director of the OCD, and Matthew Lepore, Principal of Insight Energy Law and former Director of the Colorado Oil and Gas Commission.

The hearing was adjourned at 5:00 p.m.

The meeting was called to order on January 7, 2021 by Hearing Officer Orth at approximately 8:30 a.m.

OCD's witnesses were Matthew Lepore, James Bolander, Petroleum Engineer with Inside Energy, and Brandon Powell, OCD Engineering Bureau Chief.

NMOGA's witness was John Smitherman, Senior Adviser for NMOGA.

The hearing was adjourned at 5:00 p.m.

The meeting was called to order on January 8, 2021 by Hearing Officer Orth at approximately 8:00 a.m.

Mr. Smitherman resumed his testimony.

The hearing was adjourned at 5:59 p.m.

The meeting was called to order on January 11, 2021 by Hearing Officer Orth at approximately 8:00 a.m.

Mr. Smitherman resumed and finished his testimony.

NMOGA's witnesses were Paul Curtis Thompson, President of Epic Energy; Morgan Iannuzzi, Mid-Continent Business Unit Air Team Lead with Chevron; Paul S. Reinermann, Field Environmental Manager with Enterprise Products Partners; and Zachary Craft, Legal Counsel for Enterprise Products Company.

The hearing was adjourned at 6:04 p.m.

The meeting was called to order on January 12, 2021 by Hearing Officer Orth at approximately 8:00 a.m.

NMOGA's witnesses were Joseph Leonard, Facilities Engineer with Merrion Oil and Gas; Jeffrey Ryan Davis, Operations Manager with Merrion Oil and Gas; David Greaves, Facilities Engineering Manager with XTO Energy, a subsidiary of Exxon Mobil; and Michael Smith, Environmental Professional with Devon Energy.

The hearing was adjourned at 5:36 p.m.

The meeting was called to order on January 13, 2021 by Hearing Officer Orth at approximately 8:00 a.m.

NMOGA's witness was Yolanda Perez, Senior Regulatory Consultant of Regulatory Affairs with Occidental Oil and Gas. SLO's witness was Danny Martinez, Division Director of the Management Division of the New Mexico State Land Office. Climate Advocates' witnesses were Brenda Ekwurzel, Director of Climate Science at the Union of Concerned Scientists; Alexandra Tietz, Expert Consultant to Nonprofit Environmental Advocacy Organizations; Don Schrieber, Ranch Owner in the San Juan Basin in Northwest New Mexico; and Dr. Thomas Singer, Senior Policy Adviser at the Western Environmental Law Center.

The hearing was adjourned at 5:24 p.m.

The meeting was called to order on January 14, 2021 by Hearing Officer Orth at approximately 8:00 a.m.

Environmental Defense Fund witnesses were taken out of order. Ms. Paranhos made an opening statement. Environmental Defense Fund's witnesses were Jon Goldstein, Director of Regulatory and Environmental Affairs with Environmental Defense Fund; Dr. David Lyon, Scientist with Environmental Defense Fund; and Tom Alexander, Consultant to Environmental Defense Fund.

Climate Advocates' witnesses were Charles de Saillan, Staff Attorney with the New Mexico Environmental Law Center; Nathalie Eddy, Field Advocate for New Mexico with Earthworks; Mario Atencio, Member of the Torreon Chapter of the Navajo Nation and a member of the Board of Directors of Dine Care; Kendra Pinto involved with the Community Empowerment Project with Earthworks and on contract with Dine Care; Dr. David McCabe, Senior Scientist at Clean Air Task Force; and Leslie Fleischman, Senior Analyst at the Senior Task Force.

The hearing was adjourned at 5:20 p.m.

The meeting was called to order on January 15, 2021 by Hearing Officer Orth at approximately 8:30 a.m. and scheduled comments were taken. The hearing was continued to 11:00 a.m. for rebuttal testimony on various portions of the proposed rule. OCD's rebuttal witnesses were Brandon Powell and James Bolander; NMOGA's rebuttal witness was David Greaves; and Climate Advocates' rebuttal witness was Dr. Thomas Singer.

The evidentiary record was closed at 6:10 p.m.

Hearing Officer Orth instructed Mr. Ames to provide a revised Exhibit 2A and 2B by the close of business on Wednesday, January 21, 2021. All parties were instructed to provide proposed revisions and written closing arguments by the close of business on February 5, 2021. The deliberations of the proposed rule were scheduled for February 11-12, 2021, beginning at 9:00 a.m.

Item 5. Pending Litigation

Action: There was no update on pending litigation.

Item 6: Other Business.

Action: There was no other business.

Item 7: Next Meeting – February 11-12, 2021 Meeting

Item 8: Adjournment

Action: Chair Sandoval adjourned the hearing at 6:31 p.m.



Adrienne Sandoval, Chair