

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

**APPLICATION OF GOODNIGHT  
MIDSTREAM PERMIAN, LLC TO AMEND  
ORDER NO. R-7765, AS AMENDED TO  
EXCLUDE THE SAN ANDRES FORMATION  
FROM THE UNITIZED INTERVAL OF THE  
EUNICE MONUMENT SOUTH UNIT  
LEA COUNTY, NEW MEXICO**

**CASE NO. 24278**

**APPLICATION OF GOODNIGHT  
MIDSTREAM PERMIAN, LLC TO AMEND  
ORDER NO. R-7767 TO EXCLUDE THE SAN  
ANDRES FORMATION FROM THE EUNICE  
MONUMENT OIL POOL WITHIN THE  
EUNICE MONUMENT SOUTH UNIT AREA,  
LEA COUNTY, NEW MEXICO**

**CASE NO. 24277**

**APPLICATION OF GOODNIGHT PERMIAN  
MIDSTREAM, LLC FOR APPROVAL OF A  
SALTWATER DISPOSAL WELL, LEA COUNTY,  
NEW MEXICO AND, AS A PARTY ADVERSELY  
AFFECTED BY ORDER R-22869-A, FOR A  
HEARING DE NOVO BEFORE THE FULL  
COMMISSION, PURSUANT TO NMSA 1978,  
SECTION 70-2-13.**

**CASE NO. 24123**

**APPLICATION OF GOODNIGHT MIDSTREAM  
PERMIAN, LLC TO AMEND ORDER  
NO. R-22026/SWD-2403 TO INCREASE THE  
APPROVED INJECTION RATE IN ITS ANDRE  
DAWSON SWD #1, LEA COUNTY, NEW MEXICO**

**CASE NO. 23775**

**APPLICATIONS OF GOODNIGHT MIDSTREAM  
PERMIAN, LLC FOR APPROVAL OF A  
SALTWATER DISPOSAL WELL, LEA COUNTY,  
NEW MEXICO**

**CASE NOS. 23614-23617**

**APPLICATION OF EMPIRE NEW MEXICO TO  
REVOKE THE INJECTION AUTHORITY  
+GRANTED UNDER ORDER NO. R22026 FOR  
THE ANDRE DAWSON SWD #001, LEA COUNTY,  
NEW MEXICO**

**CASE NOS. 24018-24027**

## **OIL CONSERVATION DIVISION'S WITNESS DISCLOSURE**

The New Mexico Oil Conservation Division (“OCD”) hereby submits its Witness Disclosure pursuant to the Oil Conservation Commission’s Pre-Hearing Order entered on June 3, 2024.

### **I. OCD Witnesses.**

#### **a. Philip Goetze, Engineering UIC Permitting Group Lead**

Mr. Goetze has been employed by the Oil Conservation Division (OCD) for 11 years and is currently the manager of the UIC Group within the Engineering Bureau. He has extensive background in the administrative permitting for development and management of oil and gas resources under the state Oil and Gas Act. He is a technical reviewer of applications for Class II wells (including saltwater disposal wells and enhanced oil recovery (EOR) projects) under the New Mexico primacy agreement with the United States Environmental Protection Agency (USEPA) for its Underground Injection Control (UIC) Program of the Safe Drinking Water Act. During his tenure, Mr. Goetze has been a qualified hearing examiner for the OCD for cases ranging from compulsory pooling to protested applications for injection authority. Additional assignments related to his manager position include the development of practices and recommended guidance for UIC related subjects such as induced seismicity, exempted aquifers and Class II disposal impacts on producing intervals. He is responsible for preparing periodic reports for submission to the USEPA to demonstrate compliance with the SDWA and to respond to specific subject matters requests identified by the USEPA. In his capacity within the UIC Group, Mr. Goetze provides recommendations to management for modification of permitting and compliance practices which

reflect new technology or processes that impact UIC functions. Mr. Goetze has also authored over 350 hearing orders in his capacity as an examiner.

Mr. Goetze has qualified as an expert witness for the OCD for cases before the Oil Conservation Commission involving UIC permit applications and in support of rulemaking (e.g. acid gas injection well applications, casing requirements in the Roswell Artesian Basin, and reporting requirements for fracturing fluids). Mr. Goetze has also provided expert testimony before the New Mexico Water Quality Control Commission in support of rulemaking (e.g. expanded authority for UIC Class I hazardous disposal wells).

Prior experience to employment with the OCD, Mr. Goetze has over thirty years of experience developing and implementing a variety of projects with environmental, hydrologic, or regulatory applications. His prior government experiences include field mapping of mineral occurrences in wilderness areas for the U. S. Bureau of Mines as well as oil and gas leasing and mineral assessment for both the U. S. Geological Survey and the Bureau of Land Management. His employment with the private sector included supervision of numerous investigations of contaminated sites, the implementation and management of remediation projects, oversight of groundwater drilling projects, and project manager for the resolution of environmental compliance issues at private, tribal, state and federal properties.

Mr. Goetze graduated from the New Mexico Institute of Mining and Technology with a Bachelor of Science degree in geology and is currently a registered or licensed geologist in the states of Alaska, Arizona, and Texas. Mr. Goetze is also a Certified Professional Geologist, American Institute of Professional Geologist, and is Certified Hazardous Materials Manager through the Alliance of Hazardous Materials Professionals.

Mr. Goetze will provide expert testimony regarding the practices and operation of the UIC program within the OCD including the historical aspects of current UIC operations as they relate to the primacy agreement and past approvals of injection authority for various projects. Mr. Goetze will also provide testimony regarding groundwater occurrences, hydrologic issues and the OCD current exempted aquifer program. Mr. Goetze also has direct experience for many of the original permit applications for the disposal wells involved in the cases as well as the original hearing between two principal parties in this matter. Additionally, Mr. Goetze has reviewed and will continue to review documentation from the Parties, including anticipated exhibits and discovery disclosures, to which he will apply his background, training, and experience. Therefore, Mr. Goetze is being qualified as an expert in hydrogeology, petroleum geology, and in all matters regarding the functions of the UIC program for the OCD.

**b. OCD Deputy Director Brandon Powell**

OCD Deputy Director Powell manages the OCD's Engineering Bureau which contains the UIC Group. He has served with OCD in various positions for more than 18 years, including, engineering bureau chief, district supervisor, staff manager, inspection/enforcement supervisor, and environmental specialist. Mr. Powell's UIC experience has ranged from field implementation to policy oversight for the OCD. Mr. Powell in his various OCD capacities has testified in various OCD rule makings and other hearings as an OCD process expert. Prior to joining OCD, Mr. Powell was a facility manager and environmental technician for an environmental services company. His qualifications are described in Exhibit 1. Mr. Powell will testify regarding aspects of the history of the area, the OCD's activities for disposal, and the OCD's efforts to institute a uniform process for permitting.

**c. Any and all witnesses disclosed by Parties to this matter.**

OCD reserves the right to call and examine any and all witnesses, named or unnamed, disclosed by the Parties in this matter.

**d. Witnesses required set forth a foundation for a particular exhibit, including OCD administrative staff.**

OCD reserves the right to call any witnesses who may be needed to set forth a foundation for a particular exhibit. This may include OCD administrative staff whose duties encompass handling OCD documents and any foundational witness employed or otherwise assisting the Parties to this action.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on July 8, 2024, this pleading was served by electronic mail on:

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Christopher L. Moander

**CURRICULUM VITAE**

**BRANDON POWELL**

**SUMMARY**

Mr. Powell is the Oil Conservation Division's (OCD) Deputy Director overseeing the Engineering and Environmental bureaus. He has served with OCD for more than eighteen years. He began his career in 2006 as an environmental specialist overseeing environmental releases and remediation. In 2011, he was promoted to inspection and enforcement supervisor for OCD's district office in Aztec. In that position, he supervised down-hole engineering and compliance with OCD rules. In 2019, he was promoted to District Supervisor, which involved oversight of day-to-day operations for the San Juan Basin. In 2020 he was promoted to the Engineering Bureau Chief and then in 2023 was promoted to Deputy Director. Mr. Powell has extensive experience applying OCD rules to all aspects of oil and gas development and has testified as an expert in OCC rulemakings, including the pit rule (19.15.17 NMAC), the produced water rule (19.15.34 NMAC), the release rule (19.15.29 NMAC) and the natural gas waste rules (19.15.27 and 19.15.28 NMAC).

**EMPLOYMENT**

**May 2023- Current**

**New Mexico Oil Conservation Division**

**Deputy Director**

- As Deputy Director, I provide oversight and management for the OCD's Engineering Bureau and Environmental Bureau. In my position I have 2 direct reports which are the Environmental Bureau Chief and Engineering Bureau Chief. I also have ~48 additional indirect reports in those groups.
  - The Engineering bureau currently has 34 employees and is in the process of filling additional positions. The Engineering bureau is made up of 4 major groups Inspection Compliance Program, Underground Injection Control (UIC) Program, Administrative Permitting Program, Engineering Projects and Hearings group.
  - The Environmental bureau is currently has 16 employees and is currently in the process of filling additional positions. The environmental program contains 3 major groups, Permitting, Environmental Special Projects and Incident/Inspections.

**November 2020 – May 2023**

**New Mexico Oil Conservation Division**

**Chief, Engineering Bureau**

- Oversight and Management of the OCD's Engineering Bureau which includes
  - Administrative Compliance Program
  - Underground Injection Control (UIC) Program
  - Administrative Permitting Program.
- Ensures that OCD goals and objectives are met by assigning and directly supervising the work of the Administrative Compliance, UIC, and Administrative Permitting Programs.
- Conducts training and performance evaluations of personnel and acts upon leave requests. This position designs and develops programs to address new technical issues as they arise and as technical advances in the oil and gas industry are implemented.

**May 2019- November 2020**

**New Mexico Oil Conservation Division**

**District Supervisor**

- Managed operations for OCD's Northern District, ensuring the proper management of more than 24,000 oil and gas wells and associated facilities to protect public health and the environment.
- Managed relations with four tribes and allottees, federal agencies including Bureau of Land Management, Bureau of Reclamation, and Forest Service, and private landowners.
- Supervised seven staff members, including geologist, compliance officers, and environmental specialists.
- Managed office assignments, fleet repair and maintenance, and the District's Reclamation Fund (RFA) plugging program.
- Coordinated with the Engineering and Environmental Bureaus to ensure consistency in permitting and enforcement across the state.
- Supervised the District's UIC activities and coordinated with the UIC Program Manager to ensure consistency in testing and compliance.
- Conducted training for OCD and District staff.
- Assisted in the tasks described below when necessary for District operations, particularly in the absence of staff.
- Served as the District's representative on the New Mexico Oil and Gas Northwest Public Lands Committee.
- Assisted in development of standard operating procedures for wide range of OCD's business practices.
- Participated in strategic planning for OCD, including crisis management, electronic transition, enforcement, and rulemaking.

#### **April 2011-May 2019**

##### **New Mexico Oil Conservation Division**

##### **Staff Manager & Inspection and Enforcement Supervisor**

- Supervised four district compliance officers and their activities regarding oil, gas, injection, brine and non-hazardous waste wells to protect public health, fresh water and other natural resources, including the review and approval of applications the conduct of investigations, and the recommendation of engineering solutions.
- Supervised environmental specialists, geologists, and data managers when the District Supervisor was not available and after he retired.
- Substituted for the geologist and environmental specialists during their absence and position vacancy for two years, including reviewing pools, logs and formation tops.
- Reviewed drilling, production, and closure of wells and other oil and gas facilities to ensure compliance with OCD rules, including:
  - Scheduled and conducted field inspections;
  - Initiated enforcement actions;
  - Reviewed applications for well work-overs, completion and plugging; and
  - Observed field activities.
- Provided technical assistance to OCD staff and operators.
- Coordinated office activities, including the review and approval of personnel documents and the conduct of other supervisory duties on behalf of the District Supervisor.
- Assisted in the development of rules.
- Served as the District's representative for the New Mexico Oil and Gas Northwest Public Lands Committee.

#### **April 2006 thru April 2011 New Mexico Oil Conservation Division**

##### **Environmental Specialist, Deputy Oil and Gas Inspector, and Loss Control Officer**

- I supervised industries operations to ensure proper remediation of releases.
- I would respond to urgent releases which endangered the environment or the public.
- Reviewed permits for work requested to be performed, and subsequent reports for work already performed.
- I would draft environmental compliance and enforcement documents
- Testify in environmental compliance and enforcement cases.
- Work with other governmental agencies to find solutions to problems that arise
- Prepare and give environmental training to industry and other agencies.
- Work with Companies to ensure their continual compliance.
- Track District internal injuries and incidents and prepare yearly OSHA forms.



- Respond to citizen complaints.

**June 2004-April 2006 Envirotech, Inc.**

**Sr. Environmental Technician, Soil Remediation Facility Manager, and Mold Inspector.**

- Prepared reports for various agencies for the on-site documentation for various types of releases.
- Managed the soil remediation facility and subsequent personnel which averaged 1-3 people. I categorized waste to determine if waste was acceptable pursuant to the facility permits.
- Performed hazardous waste characterization and disposal of oil field and non-oilfield waste.
- Project manager and field supervisor which included supervising multiple people.
- Prepared job quotes and project summaries.

**TESTIMONY IN RULEMAKING PROCEEDINGS**

19.15.17 NMAC – *Pits, Close-Loop Systems, Below-Grade Tanks and Sumps, 2008 and 2013*

19.15.34 NMAC – *Produced Water, Drilling Fluids, and Liquid Oil Field Waste, 2015*

19.15.29 NMAC – *Releases, 2018*

19.15.27 NMAC – *Venting and Flaring of Natural Gas, 2021*

19.15.28 NMAC – *Natural Gas Gathering Systems, 2021*

19.15.7 NMAC – *Forms and Reports, 2022*

**CERTIFICATIONS AND TRAINING**

Hazardous Waste Management Certification, Lion Technologies, September 2004

Hazmat Site Supervisor Training, High Desert Safety, 2005

Confined Space Certification, High Desert Safety, 2005

Hot Work Certification, High Desert Safety, 2005

OSHA Forty Hour Certification, 2005

Surveillance Detection Course for Commercial Operators, Department of Homeland Security, 2008