

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

**IN THE MATTER OF PROPOSED  
AMENDMENT TO THE COMMISSION'S  
RULES TO ADDRESS CHEMICAL DISCLOSURE  
AND THE USE OF PERFLUOROALKYL AND  
POLYFLUOROALKYL SUBSTANCES AND  
IN OIL AND GAS EXTRACTION,  
19.15.2, 19.15.7, 19.15.14, 19.15.16 AND 19.15.25 NMAC**

**CASE NO. 23580**

**OIL CONSERVATION DIVISION'S  
NOTICE OF INTENT TO PRESENT TECHNICAL REBUTTAL TESTIMONY  
OF BRANDON POWELL**

The New Mexico Oil Conservation Division ("OCD") submits this Notice of Rebuttal Testimony pursuant to 19.15.3.11(B) NMAC.

**I. SUMMARY OF REBUTTAL**

The OCD seeks to rebut and address the testimony of NMOGA witnesses supporting specific sections of NMOGA's proposed redline. OCD's comments are detailed in OCD Exhibit 11.

OCD also seeks to rebut the testimony of WildEarth Guardian witness testimony related to disclosure authority, contamination related to pits, the administrative affect of banning chemicals which OCD cannot either detect or quantify, and public risk notification procedures.

**II. PROPOSED EVIDENCE**

**WITNESS:**

1. Brandon Powell, Deputy Director

Mr. Powell is the Deputy Director that manages the OCD's Engineering and Environmental Bureaus. He has served with OCD in various positions for more than 18 years, including district supervisor, staff manager, inspection/enforcement supervisor, and environmental specialist. Prior to joining OCD, Mr. Powell was a facility manager and environmental technician for an environmental services company. Mr. Powell provides his written direct testimony in support of aspects of the Amended Application and proposing several modifications to the proposed rule. Mr. Powell is available for cross-examination after adoption of his written testimony.

**EXHIBITS:**

Exhibit 11                      Rebuttal Slides of Brandon Powell

**IV. PROCEDURAL MATTERS**

The OCD has not identified any procedural matters to be resolved prior to the hearing.

Respectfully submitted,



---

Jesse Tremaine  
Legal Directory, Oil Conservation Division  
New Mexico Energy, Minerals and  
Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

Cell: (505) 231-9312  
[JesseK.Tremaine@emnr.dnm.gov](mailto:JesseK.Tremaine@emnr.dnm.gov)

**CERTIFICATE OF SERVICE**

I certify that on November 13, 2024, I served this pleading by electronic mail on:

Sheila Apodaca  
[Sheila.apodaca@emnrd.nm.gov](mailto:Sheila.apodaca@emnrd.nm.gov)  
[Occ.hearings@emnrd.nm.gov](mailto:Occ.hearings@emnrd.nm.gov)  
***Oil Conservation Commission Clerk***

Deana Bennett  
Modrall, Sperling, Roehl, Harris, & Sisk, PA  
500 Fourth Street, NW, Suite 1000  
Albuquerque, New Mexico 87103-2168  
(505) 848-1800  
[deana.bennett@modrall.com](mailto:deana.bennett@modrall.com)

Jordan L. Kessler  
EOG Resources, Inc.  
125 Lincoln Avenue, Suite 213  
Santa Fe, New Mexico 87501  
(432) 488-6108  
[Jordan\\_kessler@eogresources.com](mailto:Jordan_kessler@eogresources.com)

***Attorneys for EOG Resources, Inc.***

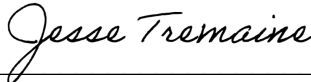
Tim Davis  
Samantha Ruscavage-Barz  
WildEarth Guardians  
301 N. Guadalupe St., Ste. 201  
Santa Fe, New Mexico 87501  
[tdavis@wildearthguardians.org](mailto:tdavis@wildearthguardians.org)  
[sruscavagebarz@wildearthguardians.org](mailto:sruscavagebarz@wildearthguardians.org)  
***Attorneys for WildEarth Guardians, Applicant***

Daniel Rubin  
Assistant Attorney General  
NM Dept. of Justice  
408 Galisteo Street  
Santa Fe, New Mexico 87501  
[drubin@nmag.gov](mailto:drubin@nmag.gov)  
***Attorney for the New Mexico Oil Conservation Commission***

Michael H. Feldewert  
Adam G. Rankin  
Julia Broggi  
Paula M. Vance  
Cristina Mulcahy  
Post Office Box 2208  
Santa Fe, New Mexico 87504  
[mfeldewert@hollandhart.com](mailto:mfeldewert@hollandhart.com)  
[agrarkin@hollandhart.com](mailto:agrarkin@hollandhart.com)  
[jbroggi@hollandhart.com](mailto:jbroggi@hollandhart.com)  
[pmvance@hollandhart.com](mailto:pmvance@hollandhart.com)  
[camulcahy@hollandhart.com](mailto:camulcahy@hollandhart.com)  
***Attorneys for New Mexico Oil & Gas Association***

Mariel Nanasi  
New Energy Economy  
300 East Marcy Street  
Santa Fe, New Mexico 87501  
[mariel@seesbeneaththesnow.com](mailto:mariel@seesbeneaththesnow.com)  
***Attorney for New Energy Economy***

Nicholas R. Maxwell  
P.O. Box 1064  
Hobbs, New Mexico 88241  
(575) 441-3560  
[inspector@sunshineaudit.com](mailto:inspector@sunshineaudit.com)  
***Pro Se Participant***

  
\_\_\_\_\_  
Jesse Tremaine