

1                   DECEMBER MEETING OF THE STATE OF NEW MEXICO  
2                                   OIL CONSERVATION COMMISSION

3  
4                   Docket Nos.   24881, 24816 and 24878

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7                   Moderated by Gerasimos Razatos

8                                   Thursday, December 12, 2024

9                                           9:00 a.m.

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12                   Pecos Hall, Wendell Chino Building

13                                   1220 South St. Francis Drive

14                                           Santa Fe, NM 87505

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20   Reported by:       James Cogswell

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A P P E A R A N C E S

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A P P E A R A N C E S (Cont'd)  
ON BEHALF OF COG OPERATING LLC AND CONCHO OIL & GAS  
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ALSO PRESENT:  
Gerasimos Razatos, Chair, OCC  
Greg Bloom, Commissioner, OCC(by videoconference)  
Dr. William Ampomah, Commissioner, OCC  
Sheila Apodaca, Law Clerk, OCC

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P R O C E E D I N G S

THE CHAIRMAN: Good morning everyone. This is the Oil Conservation Commission meeting for December 2024. So we'll get everything started here, and we'll get a roll call.

My name is Gerasimos Razatos. I am the Acting Chair for the Oil Conservation Commission. Then we'll kick it over to Dr. Ampomah.

DR. AMPOMAH: I am Dr. William Ampomah, designee of the Energy Secretary. Thank you.

THE CHAIRMAN: Excellent.

And Commissioner Bloom.

MR. BLOOM: High. Good morning everyone. Greg Bloom, designee of the Commissioner of Public Lands, participating virtually today. Thank you.

THE CHAIRMAN: Excellent. Thank you. As always, we'll start our meeting with the approval of our agenda. So approval for the December 12, 2024, agenda; can I get a movement to approve it, please?

MR. BLOOM: I so move.

DR. AMPOMAH: I second.

THE CHAIRMAN: Excellent. Thank you. All in favor, say aye.

MR. BLOOM: Aye.

1 DR. AMPOMAH: Aye.

2 THE CHAIRMAN: Aye.

3 Great, so our agenda for this meeting  
4 has been approved.

5 Our next topic is the approval of the  
6 November 12th through 15th, 2024 meeting minutes. If  
7 I can get a motion to have those minutes approved?

8 MR. BLOOM: I so move, and I appreciate  
9 Sheila having put those together. That was quite a  
10 feat. Thank you.

11 THE CHAIRMAN: Yes. Thank you.

12 DR. AMPOMAH: I second.

13 THE CHAIRMAN: Excellent.

14 And I agree; thank you, Sheila. We  
15 appreciate that.

16 We do need a roll call for this, so all  
17 in favor, please say aye.

18 DR. AMPOMAH: Aye.

19 MR. BLOOM: Aye.

20 THE CHAIRMAN: Aye.

21 Excellent, so our meeting minutes have  
22 been approved.

23 Our next topic is the approval of the  
24 2025 Open Meetings Act Resolution. Commissioners, you  
25 should have been sent a copy of it and reviewed it.

1 Have you been able to review it, Commissioners?

2 DR. AMPOMAH: Yes.

3 MR. BLOOM: Yes, Mr. Chair. I have no  
4 questions -- thank you.

5 THE CHAIRMAN: Excellent, Dr. Ampomah,  
6 any questions?

7 DR. AMPOMAH: No, I do not have any  
8 questions on it.

9 THE CHAIRMAN: Okay. So could we get a  
10 motion to approve the Open Meetings Act Resolution,  
11 please?

12 MR. BLOOM: Yes, Mr. Chair, I so move.

13 DR. AMPOMAH: I second.

14 THE CHAIRMAN: Excellent. Excellent.  
15 Thank you.

16 So we need to do a roll call as well.  
17 All in favor, say aye.

18 MR. BLOOM: Aye.

19 DR. AMPOMAH: Aye.

20 THE CHAIRMAN: Aye.

21 Okay. So our Open Meetings Act  
22 Resolution for 2025 has been approved.

23 We also have on here a discussion of  
24 the procedure for the printed materials and exhibits  
25 at the OCC meetings and hearings.

1                   Commissioner Bloom, I believe you had  
2 set this up for us?

3                   MR. BLOOM: Yes, and I think we saw at  
4 the PFAS ruling or hearing, which is still ongoing,  
5 that we had enormous quantities of materials printed  
6 out, all things which had been sent to us  
7 electronically as well. I'm not -- I did not have a  
8 chance to look at what our rules say about this.

9                   But I just hope that in future  
10 hearings, if there's agreement, we could just move to  
11 electronic submittal to save paper and time for  
12 everyone, or perhaps have some kind of a period a  
13 month out where we ask if everybody would like to have  
14 materials printed out, and just print for those folks  
15 that need or want something physically in their hands.  
16 But it just seemed like we had a lot of waste after  
17 the first part of our PFAS hearing.

18                  THE CHAIRMAN: It was voluminous for  
19 sure, to say the least. But I think we probably  
20 should look into it a little more. So maybe we could  
21 also talk with our legal counsel, Commissioner, and  
22 see if -- what options we have, and we can go that  
23 route.

24                  So maybe we can table it for this  
25 particular meeting and maybe come back with it with

1 maybe some suggestions after we've talked to legal  
2 counsel as well.

3 MR. BLOOM: Very well. And I'd be glad  
4 to send an email to Mr. Rubin; I know he's not with us  
5 today. But I'll reach out to him and just ask him to  
6 look into that if that works for you.

7 THE CHAIRMAN: Excellent.  
8 Commissioner Ampomah, do you agree?

9 DR. AMPOMAH: Yes, I do agree.

10 THE CHAIRMAN: Okay. Excellent. So  
11 we'll do that, and we can tackle this topic again,  
12 maybe at our next meeting.

13 Okay. So then we're going to move on  
14 to our pending cases. Our first case is Case Number  
15 24881. It's the application of Northwind Midstream  
16 Partners LLC for approval of an additional redundant  
17 acid gas injection well and to amend Order Number  
18 R-20913, as amended, and SWD-2622 to authorize and  
19 increase shared maximum daily injection rate in Lea  
20 County, New Mexico. This is set as a status  
21 conference. Are all parties here for this particular  
22 case?

23 MR. FELDEWERT: Good morning, Mr.  
24 Chair, Michael Feldewert, Santa Fe office of Holland &  
25 Hart, appearing on behalf of the applicant.

1 THE CHAIRMAN: Excellent.

2 MS. LUCK: Good morning. Kaitlyn Luck,  
3 appearing for NGL South Ranch, Inc.

4 THE CHAIRMAN: Okay. Excellent. Was  
5 there anybody else that would have any interest in  
6 this particular case, maybe online or present here,  
7 Mr. Feldewert, that you know of?

8 MR. FELDEWERT: Not that I'm aware of.

9 THE CHAIRMAN: Okay. Ms. Luck?

10 MS. LUCK: [No audible response.]

11 THE CHAIRMAN: Okay. Excellent. So  
12 Mr. Feldewert, since this is your status conference,  
13 let's start with you.

14 MR. FELDEWERT: Yeah. So as you'll see  
15 from the application, Northwind seeks additional  
16 authority to inject treated acid gas into  
17 Silurian-Devonian formation through an additional AGI  
18 well, which they're going to call their Titan AGI  
19 Number 2.

20 The application seeks to amend two  
21 existing orders that authorize disposal in this  
22 formation to the Salt Creek AGI Number 2. And that  
23 was approved in R-20913-D, as in David, and then  
24 SWD-2622. That's why you see them referenced in the  
25 application.

1           And essentially, the application seeks  
2 authority to drill this additional, I guess, you'd  
3 call it redundant well in the same disposal zone so  
4 that they can share the maximum daily injection volume  
5 through either one or both of those wells to service  
6 the increasing sour gas disposal needs at Northwind's  
7 Titan treating facility.

8           As you may recall, perhaps, from the  
9 Salt Creek hearing on the AGI Number 2, that facility  
10 is currently surfaced by disposal in the shallower  
11 Delaware Mountain Group. And pursuant to the  
12 divisions ordered, the company has actually now  
13 completed drilling that AGI Number 2, and they're  
14 running the logs. So granting this application will  
15 provide Northwind with a second deep disposal well at  
16 this same location.

17           So we're asking that the Commission  
18 place this matter for hearing as soon as possible. We  
19 filed this in September. I know notice has gone out  
20 in a timely fashion. We're ready to proceed on your  
21 January 16th docket, recognizing that February and  
22 March, with your schedule, poses some challenges. So  
23 we're hoping that this can be placed on the January  
24 16th docket.

25           It's -- well, we're going to have a

1 couple witnesses. I don't think it will take but a  
2 half a day. I know that Ms. Luck has appeared for a  
3 company called NGL South Ranch. We're a little  
4 surprised by that objection and notice of intervention  
5 because they're not a surface owner. They're not a  
6 mineral owner within a mile. They have not indicated  
7 a basis for their objection.

8 But I know that Northwind is reaching  
9 out to them and to determine their concerns, and we'll  
10 be ready to address whatever concerns they have at  
11 what we hope would be the January commission hearing.  
12 So my biggest request today is that we set this for a  
13 hearing on January 16th.

14 THE CHAIRMAN: Thank you, Mr.  
15 Feldewert.

16 Ms. Luck?

17 MS. LUCK: And NGL South Ranch, Inc.  
18 was an affected party to the application and was  
19 provided notice. But pursuant to the rule, they -- I  
20 have entered an appearance on behalf of that party  
21 because there are concerns regarding migration and the  
22 underground formation underlying the property owned by  
23 my client, NGL South Ranch, Inc. And so at this  
24 point, NGL would like to present evidence at the  
25 hearing.

1 I understand there are still  
2 discussions going on to see whether or not we can  
3 resolve the issues. But at this point, there is an  
4 objection to the proposed development plan due to the  
5 pressures proposed and this migration issue. And so  
6 we do intend to present evidence and testimony at any  
7 hearing that's set in this case.

8 THE CHAIRMAN: Okay. So Ms. Luck, just  
9 quick question for you. Would you be ready to go to  
10 trial, or are you guys -- are you all needing more  
11 time?

12 MS. LUCK: It would probably be  
13 preferable for the hearing to be set out further than  
14 a month from now. But of course, we would defer to  
15 the Commission's schedule and what the Commission has  
16 available, and we would make every effort to be  
17 available and ready at that time.

18 THE CHAIRMAN: Okay. Commissioners,  
19 any questions from you all?

20 MR. BLOOM: No, Mr. Chair.

21 DR. AMPOMAH: No, Mr. Chair, for now.

22 THE CHAIRMAN: Okay. Thank you. I  
23 know the Commission's schedule is quite booked. The  
24 January already has a two-day set for it. So we --  
25 it's going to be a little tight for the January one.

1 I don't think we'll be able to do the January one.  
2 February, we have another case that's going to be  
3 pretty prolonged. That takes us into March.

4 March -- Sheila, March is fairly open;  
5 correct?

6 MS. APODACA: It is open right now, and  
7 the date for that one is March 20th.

8 THE CHAIRMAN: Okay. So I think the  
9 soonest for all parties, just because the way the  
10 Commission's schedule is, would have to be March the  
11 20th. So it's about three and a half months out.

12 MR. FELDEWERT: What's, if I may  
13 inquire, what's the January? Remind me; what's the  
14 January?

15 THE CHAIRMAN: Sheila, can you remind  
16 us what the January case is?

17 MS. APODACA: Sure. It's filed by  
18 Apache, and they're testing conditions for approval of  
19 scope of work on it.

20 THE CHAIRMAN: Thank you for the  
21 reminder. Yes, this is -- this was the one that we  
22 heard at the beginning of the November rulemaking. We  
23 had the hearing part, and it was between the Division  
24 and Apache, so.

25 MR. FELDEWERT: Okay. And then

1 February, is that the rulemaking?

2 THE CHAIRMAN: No, Mr. Feldewert,  
3 February is the Goodnight/Empire case.

4 MR. FELDEWERT: The death battle. The  
5 death battle. Okay.

6 THE CHAIRMAN: I don't have any  
7 comments with that. It's just the Goodnight/Empire  
8 case.

9 MR. FELDEWERT: All right. Because I  
10 was exploring whether if there's a possibility, if one  
11 those cases goes away, perhaps we could get placed on  
12 that. I understand you're -- like I said, we were  
13 hoping to get this quickly because they want to get  
14 this redundant well approved so that they can move  
15 forward and have it available in this deeper zone. So  
16 I understand. But I understand your constraints.

17 THE CHAIRMAN: Yeah. The soonest that  
18 the Commission can hear it, right at the moment, is  
19 going to be March.

20 So Sheila, can you remind me again,  
21 March what?

22 MS. APODACA: March 20.

23 THE CHAIRMAN: March 20. Okay.

24 MS. LUCK: And just for clarification  
25 due to Mr. Feldewert raising this concern; my client

1 is related to Hydrosorce Logistics, which was  
2 provided notice on Table B-1, which is page 83 of the  
3 application.

4 THE CHAIRMAN: Okay. Excellent. Thank  
5 you.

6 MR. FELDEWERT: And I'm assuming we'll  
7 just follow the Commission's general rules and  
8 prehearing filings?

9 THE CHAIRMAN: Yes.

10 MR. FELDEWERT: Okay.

11 THE CHAIRMAN: So we'll follow the  
12 general rules. And as you both mentioned, if  
13 communication changes in the interim, definitely let  
14 the Commission know, and then we can go from there.  
15 So Commissioners, any questions on that?

16 DR. AMPOMAH: No from my side.

17 MR. BLOOM: No, Mr. Chair.

18 THE CHAIRMAN: Excellent. Okay. So  
19 this one's going to be set for March the 20th, 2025.  
20 Going to get used to saying 2025 here, so.

21 MR. FELDEWERT: Yeah. Thank you.

22 THE CHAIRMAN: Thank you. Appreciate  
23 it.

24 MS. LUCK: Thank you.

25 THE CHAIRMAN: Give me a second to move

1 in. Our next case is the consolidated cases of 24816  
2 and 24878. This is an application of Avant Operating,  
3 LLC for approval of a non-standard unit and compulsory  
4 pooling in Lea County, New Mexico for both cases.  
5 This is a -- we had consolidated them, and so we're  
6 doing a status conference. Are all parties present  
7 for this particular case?

8 MS. BENNETT: Good morning, everyone.  
9 This is Deana Bennett, appearing virtually on behalf  
10 of Avant Operating.

11 THE CHAIRMAN: Excellent. Thank you  
12 Ms. Bennett.

13 MS. BENNETT: Thank you.

14 MR. FELDEWERT: Good morning, Mr. Chair  
15 and members of the Commission. Michael Feldewert,  
16 with the Santa Fe office of Holland & Hart, appearing  
17 on behalf of PBEX and E.G.L., the parties that filed  
18 the de novo appeal.

19 THE CHAIRMAN: Excellent. Thank you.

20 MS. MCLEAN: Jackie McLean, with Hinkle  
21 Shanor, on behalf of COG and Concho Oil & Gas.

22 THE CHAIRMAN: Excellent. Is there any  
23 other parties, either online or present, that would  
24 also be part of this that anybody knows of?

25 We'll start with you, Ms. Bennett. Do

1 you know of anybody?

2 MS. BENNETT: No, I don't.

3 THE CHAIRMAN: Excellent.

4 Mr. Feldewert?

5 MR. FELDEWERT: No, sir.

6 THE CHAIRMAN: Ms. McLean?

7 MS. MCLEAN: No, sir.

8 THE CHAIRMAN: Okay. Excellent.

9 So let's start with you, Ms. Bennett.

10 MS. BENNETT: Thank you. It's my  
11 understanding that Avant and PBEX have been working on  
12 an agreement that would resolve the need for this de  
13 novo appeal. And of course, I'll let Mr. Feldewert  
14 weigh in on that, since it is his client's de novo  
15 appeal.

16 But we had requested a status  
17 conference today to allow those negotiations to have  
18 some room to run. And the parties, it's my  
19 understanding, still need some additional time. And  
20 so we would be asking for a follow-up status  
21 conference in March or April to hopefully, at that  
22 time, report back that the discussions have been  
23 fruitful.

24 THE CHAIRMAN: Okay. Thank you Ms.  
25 Bennett.

1 Mr. Feldewert?

2 MR. FELDEWERT: Yeah, Mr. Chair, I'm  
3 actually -- I'm looking at an agreement it looks like  
4 the parties executed late yesterday that I believe, as  
5 I read it, is going to require some dismissals by both  
6 parties, both at the division level, and then here at  
7 the Commission level.

8 But clearly, it just happened. So I  
9 think what makes most sense is that you -- I would  
10 suggest you set this at a future docket for a status  
11 conference. My guess is that we'll be dismissing our  
12 de novo appeal.

13 THE CHAIRMAN: Okay. Thank you.

14 Ms. McLean?

15 MS. MCLEAN: COG and Concho are just  
16 observing and maintaining an appearance, so we don't  
17 have a position on -- we'll be here for whatever  
18 happens.

19 THE CHAIRMAN: Okay. Excellent.

20 So just to make sure that I understand,  
21 Mr. Feldewert, we're basically -- you're basically  
22 saying that you've come to an agreement as far as you  
23 know, so we should just do a status conference one  
24 more?

25 MR. FELDEWERT: Yes. Yes. That would

1 give the parties time to, you know -- counsel time to  
2 confirm the agreements, give the parties time to set  
3 up the what I suspect will be mutual dismissals. So  
4 all you need at this point is a status conference.  
5 And like I said, it may be -- everything may be  
6 dismissed by that point anyway.

7 THE CHAIRMAN: Okay. Commissioners,  
8 any questions that you may have?

9 DR. AMPOMAH: No.

10 MR. BLOOM: Sounds good, Mr. Chair.  
11 Thank you. No questions.

12 THE CHAIRMAN: Excellent. Thank you.

13 I think we can probably set this one as  
14 a status hearing for the January case -- January  
15 hearing date, and you can give us a status for that.  
16 Does that work for all the parties?

17 Ms. Bennett?

18 MS. BENNETT: That works for me.

19 THE CHAIRMAN: Mr. Feldewert?

20 MR. FELDEWERT: I think that would be  
21 fine.

22 THE CHAIRMAN: Excellent.

23 Ms. McLean?

24 MS. MCLEAN: Yes.

25 THE CHAIRMAN: Okay. So we'll set it

1 up for a status conference for January. And then if  
2 there is a dismissal, we'll be able to process that at  
3 that time.

4 MR. FELDEWERT: Great.

5 THE CHAIRMAN: Excellent. Thank you.

6 MS. BENNETT: Thanks everyone.

7 THE CHAIRMAN: Commissioners, just to  
8 make sure; any questions?

9 DR. AMPOMAH: No.

10 MR. BLOOM: [No audible response.]

11 THE CHAIRMAN: I see you shaking your  
12 head, Commissioner Bloom?

13 MR. BLOOM: No, Mr. Chair. I can't  
14 turn off the mic button fast enough.

15 THE CHAIRMAN: No worries. Totally  
16 understand.

17 Okay. So thank you to all parties  
18 involved with this one.

19 MR. FELDEWERT: Thank you. Appreciate  
20 your time.

21 THE CHAIRMAN: Thank you.

22 MS. BENNETT: Thank you.

23 THE CHAIRMAN: Our next point is any  
24 pending litigation. We don't have any representation  
25 today from the Attorney General's Office. So we don't

1 have any updates for that.

2 The following point is any other  
3 business that we may have.

4 Commissioners, any business?

5 DR. AMPOMAH: No from my side.

6 THE CHAIRMAN: Okay.

7 Commissioner Bloom?

8 MR. BLOOM: No, Mr. Chair.

9 THE CHAIRMAN: Excellent. Thank you.

10 Our next meeting is scheduled for  
11 January the 16th, 2025. So we'll all be ready for  
12 that one, for that particular case. And if there's  
13 nothing else for the December 2024, last meeting for  
14 this year, this meeting is adjourned. Thank you  
15 everybody. We'll see everybody next year. Appreciate  
16 it.

17 (Whereupon, the meeting concluded at  
18 9:19 a.m.)

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CERTIFICATE

I, JAMES COGSWELL, 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.

December 27, 2024



JAMES COGSWELL  
Notary Public in and for the  
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, WILLIAM MILLER, 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.

December 27, 2024



WILLIAM MILLER

[& - approval]

<b>&amp;</b>	<b>2622</b> 9:18 10:24	<b>able</b> 7:1 14:1 21:2	<b>amended</b> 9:18
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