

OCC Hearing Exhibit 63

July 31, 2020 9:08 AM from Camilla Feibelman (privately): The court reporter is calling to you.

July 31, 2020 9:09 AM from Adrienne Sandoval to everyone: We are having an audio issue one second while we fix it

July 31, 2020 9:16 AM from Rebecca Sobel to everyone: Are these exhibits posted on the image database?
<http://ocdimage.emnrd.state.nm.us/imaging/CaseFileView.aspx?CaseNo=21281>

July 31, 2020 9:22 AM from Rebecca Sobel to everyone: When will the video of yesterday's hearing be made publicly available, and where?

July 31, 2020 9:27 AM from Rebecca Sobel to everyone: Q: Does a decisionmaker have to condone language in order for it to be included as part of the public record?

July 31, 2020 9:27 AM from Rebecca Sobel to everyone: That feels like outright censorship.

July 31, 2020 9:28 AM from Norm Gaume to everyone: The repeated and pervasive technical problems will not be in the transcript, including the inaudibility of remarks by Commissioners.

July 31, 2020 9:29 AM from Eleanor Bravo to everyone: The chat should be entered into the record as an exhibit

July 31, 2020 9:34 AM from Rebecca Sobel to everyone: I tried to contact those that I knew that were on the list, but I'm afraid too many people were not aware that they were on the list today

July 31, 2020 9:35 AM from Rebecca Sobel to everyone: I'm in touch with Sonia Grant, and she is unable to join because of technical difficulties.

July 31, 2020 9:37 AM from Rebecca Sobel to everyone: If public commenters are unavailable/not present this morning, will there be another time (at the end of the hearing?) that they might rejoin? Again, I'm afraid the public was not notified of confirmation of the second day of the hearing, or their scheduled public comment time during the first day.

July 31, 2020 9:58 AM from Rebecca Sobel to everyone: Susan Selbin is now on the call and seems available to make public comment.

July 31, 2020 10:02 AM from Eleanor Bravo to everyone: Thank you Jeffrey Haas to speaking about enforcement or lack of capacity to enforce. Any rule can be broken and when there is a radioactive spill, no rule can rectify it.

July 31, 2020 10:03 AM from Susan Selbin to everyone: This is Susan Selbin. I'm ready to speak after this present speaker ends comment.

July 31, 2020 10:05 AM from mary ogle to everyone: I forgot to state my affiliation, which is with YUCCA, Youth United for Climate Crisis Action.

July 31, 2020 10:30 AM from Rebecca Sobel to everyone: If the Commission will provide a list of those that had requested to give public comment but were unable to do so today and yesterday, I am volunteering to sort through and follow up with their emails on record to assure their comments are included as part of the record, as their interest indicated.

July 31, 2020 10:32 AM from Kathy Wooten to everyone: Where are the public input names that came in after the original deadline? My name was called as the Agenda was read, but I did not hear it when the other names were read. Because they all came from the 1st Day?

July 31, 2020 10:33 AM from Rebecca Sobel to everyone: Please advise: Kathy Wooten would like to give public comment and has previously signed up.

July 31, 2020 10:35 AM from Rebecca Sobel to everyone: Wendy Atcitty just emailed and said she couldn't get her audio to work in the hearing and will email her public comment to Ms. Davidson.

July 31, 2020 10:38 AM from Rebecca Sobel to everyone: Valerie Gremillion is also present and was called to give public comment.

July 31, 2020 10:40 AM from Valerie Gremillion, Ph.D to everyone: Hi all my wifi is juping up and down

July 31, 2020 10:40 AM from Valerie Gremillion, Ph.D to everyone: I can share a few slides if i fall out, pls give me an email address

July 31, 2020 10:40 AM from Bianca Sopoci to everyone: I would like to state for the record what a travesty of democracy this public hearing structure has been. It is wholly disorganized, inaccessible, and virtually impossible to participate in. More than HALF of those who signed up to speak were unable to speak because they had NO idea when their names would be called at a random time over a 16 hour period spanning two days. It's classist, racist, and undemocratic to require that kind of investment in time from the public who have jobs, families, and many other obligations (unlike the industry, agency, and advocate staff who are being paid to be present for 2 whole days) in order to have their voices heard in what should be an easily accessible public comment process.

July 31, 2020 10:41 AM from Valerie Gremillion, Ph.D to everyone: I can hear no audio :(

July 31, 2020 10:41 AM from Valerie Gremillion, Ph.D to everyone: I would like to share slides with the group

July 31, 2020 10:42 AM from Valerie Gremillion, Ph.D to everyone:

With the court reporter if i have her address

July 31, 2020 10:42 AM from Bianca Sopoci to everyone: Given that the Commission required the cumbersome process - that every member of the public wishing to speak had to email the clerk beforehand. The clerk has every person's email who signed up. The Commission should email every person who was called at a time they were not present and invite their written testimony so that their voices are not prevented from being heard because of this dysfunctional structure.

July 31, 2020 10:42 AM from Rebecca Sobel to everyone: ++++ ^

July 31, 2020 10:52 AM from Valerie Gremillion, Ph.D to everyone: Whew! Barely got in there.

July 31, 2020 10:53 AM from Kathy Wooten to everyone: But you DID! Thanks.

July 31, 2020 10:53 AM from Rebecca Sobel to everyone: You can send your written comment to florene.davidson@state.nm.us. Indicate this is a copy of your public comment. Thank you!

July 31, 2020 10:53 AM from Valerie Gremillion, Ph.D to everyone: Thank you!

July 31, 2020 10:53 AM from Mariel Nanasi to everyone: Dr. Valerie Gremillion, Please send your statement to mariel@seedsbeneaththesnow.com and florene.davidson@state.nm.us

July 31, 2020 10:53 AM from Valerie Gremillion, Ph.D to everyone: thank you, i will do so.

July 31, 2020 11:01 AM from Rebecca Sobel to everyone: I am still unclear how the Division defines "the oil field," especially in the "produced water" context. Given the pipes and trucks used to transport this waste, where do the lines of the "oil field" begin and end?

July 31, 2020 11:02 AM from Valerie Gremillion, Ph.D to everyone: Trying to send, internet insufficient, will keep trying tillit goes through

July 31, 2020 11:04 AM from Valerie Gremillion, Ph.D to everyone: Just sent

July 31, 2020 11:05 AM from Kathy Wooten to everyone: Excellent point, Rebecca.

July 31, 2020 11:05 AM from Valerie Gremillion, Ph.D to everyone: Yes, and what protections for people who are encompassed by it, or legal options?

July 31, 2020 11:09 AM from Valerie Gremillion, Ph.D to everyone: AT MINIMUM!

July 31, 2020 11:10 AM from Valerie Gremillion, Ph.D to everyone: I would like to join 'the consortium' as a research scientist with broad-spectrum knowledge in the relevant fields

July 31, 2020 11:14 AM from Rebecca Sobel to everyone: Valerie, I'm not sure whether or not the Produced Water Research Consortium is still open for participation. I do know it's pay to play and costs \$500 for access.

July 31, 2020 11:27 AM from Valerie Gremillion, Ph.D to everyone: How about paying for the COMPLETE COSTS THEY ENGENDER

July 31, 2020 11:28 AM from Valerie Gremillion, Ph.D to everyone: Rather than externalizing it to the State and taxpayers

July 31, 2020 11:37 AM from Rebecca Sobel to everyone: Have we seen a new draft of the rule with the accepted changes?

July 31, 2020 11:37 AM from Rebecca Sobel to everyone: *changes

July 31, 2020 11:40 AM from Rebecca Sobel to everyone: is there a standard for remediation of produced water specifically? How can there be when we don't know the specific risks?

July 31, 2020 11:41 AM from Brittany Fallon to everyone: "We need clear, active prevention of leaks and spills on the front end" -- hear hear, Camilla.

July 31, 2020 11:46 AM from Valerie Gremillion, Ph.D to everyone: That would take science, analysis of the thousand + chemicals in fracking water and their risks, and forcing them to give us those ingredients and their longterm effects.

July 31, 2020 11:46 AM from Valerie Gremillion, Ph.D to everyone: Excellent wonderful testimony, Camilla!!

July 31, 2020 11:47 AM from Valerie Gremillion, Ph.D to everyone: We need standards for site restoration in every dimension, and people to insure to what degree that has been done. I am SURE we have neither.

July 31, 2020 12:49 PM from Rebecca Sobel to everyone: WildEarth Guardians just submitted 8,600 petition signatures opposing this rulemaking. Press release here:
<https://wildearthguardians.org/press-releases/thousands-join-call-for-new-mexico-to-put-brakes-on-fracking-waste-rules/>

July 31, 2020 12:51 PM from Camilla Feibelman (privately): Could you ask people to mute because of the echo? Thank you so much!

July 31, 2020 12:52 PM from Rebecca Sobel to everyone: Also having

a hard time hearing

July 31, 2020 1:04 PM from Mariel Nanasi to everyone: what happen to norm's video?

July 31, 2020 1:10 PM from Kurt Anderson to everyone: Just read the WEG press release mentioned above. Alas, while well-intentioned, it contains a number of mis-statements of fact (i.e., falsehgoods). Too bad.

July 31, 2020 1:14 PM from Rebecca Sobel to everyone: Everything posted is link/research supported, and I'm happy to chat more about it with you 1:1, Kurt.

July 31, 2020 1:26 PM from Rebecca Sobel to everyone: Can you please expand the graphic?

July 31, 2020 1:31 PM from Mariel Nanasi to everyone: Can SC make these documents part of the record?

July 31, 2020 1:36 PM from Mariel Nanasi to everyone: Can you email out Exhibits 5 & 6 to counsel of record?

July 31, 2020 1:39 PM from Rebecca Sobel to everyone: Hard to see and hear counsel

July 31, 2020 1:39 PM from Valerie Gremillion, Ph.D to everyone: If she has theat number, tellus how much fresh water they use!

July 31, 2020 1:48 PM from Rebecca Sobel to everyone: What assurances does the public have that OCD will promulgate additional produced water rules?

July 31, 2020 2:05 PM from Kathy Wooten to everyone: Isn't that part of the job? Collect data, AND that does cost resources and time.

July 31, 2020 2:10 PM from Valerie Gremillion, Ph.D to everyone: Can we get a list of participants at this meeting?

July 31, 2020 2:13 PM from Rebecca Sobel to everyone: FTR, Kurt and I have discussed their issue with paraphrasing the quote in the press release from Governor Lujan Grisham endorsing off-field use for "produced water." For the record, here's the original article and quote from Governor Grisham:
<https://www.currentargus.com/story/news/local/2019/10/16/governor-lujan-grisham-new-mexico-oil-gas-water-plan-environment/3985146002/>

As part of her agenda to address climate change and reform state regulations on oil and gas, Lujan Grisham announced in August a collaboration between the New Mexico Environment Department and New Mexico State University to research and develop methods of treating the waste water for use in other sectors such as agriculture, or to clean in for discharge back onto the surface.

NMSU was awarded a 5-year, \$100 million grant in September from the U.S. Department

of Energy to create an Energy-Water Desalination Hub at the University's College of Engineering. "New Mexico's innovation in this area is and will continue to

July 31, 2020 2:13 PM from Rebecca Sobel to everyone: "New Mexico's innovation in this area is and will continue to be the envy of other states," Lujan Grisham said. "Turning this waste product into a commodity is good for preserving fresh water resources, good for compact requirements with other states, good for conservation purposes, good for local and county governments; it's good for small and large producers, it's good for agriculture. "It's good for New Mexico, and it represents an exciting leap forward."

July 31, 2020 2:17 PM from Kathy Wooten to everyone: Mr. Gaume is aware of the difficulties of the staffing and budgetary issues - HOWEVER, what needs to be done for health and safety of land, animals, and people ANYWAY? We are sympathetic to the sorry fiscal and staffing constraints of our environmental agencies following the Martinez Administration's drastic cuts. But, the need to make this "right" at every step continues. Therefore, all the parties: stakeholders, governmental bodies, and industry - need to keep pushing for the best outcome. Even if budgets and staffing are not equal to the job, we need to define what the job and standards should be and work toward those goals.

July 31, 2020 2:18 PM from Rebecca Sobel to everyone: Agreed. Government will never be able to pay as much as oil and gas. That doesn't mean we can't regulate appropriately.

July 31, 2020 2:18 PM from Rebecca Sobel to everyone: *big

July 31, 2020 2:18 PM from Valerie Gremillion, Ph.D to everyone: Agreed. Let us admit Martinez hollowed out all environmental protection entities, and Trump is now doing the same, but the future costs to us *are not worth it* under any circumstances.

July 31, 2020 2:19 PM from Valerie Gremillion, Ph.D to everyone: We could close the revolving door within NM so they could not claim expertise here.... and i wonder about regulatory capping of salaries by companies who want govt contracts in order to admit to, and reduce, the massive pay disparities.

July 31, 2020 2:20 PM from Kathy Wooten to everyone: Thanks, Rebecca. These statements from Governor Lujan Grisham are the exact statements that initiated our local concern. As well as the rushed, secretive, and unusual manner of the extremely late passage of HB 546, which can only be addressed at the next legislative session.

July 31, 2020 2:23 PM from Rebecca Sobel to everyone: Yes, we must remind our regulators that it's okay to admit when you're wrong, to say you don't know, and to not regulate if the science and data does not support industry's requests.

July 31, 2020 2:26 PM from Valerie Gremillion, Ph.D to everyone:

Defining standards, unifying and making all data accessible AND NONE SECRET!! , also meta-data, a whole other subject, would be the our goal if we want to lead on water as the Governor says

July 31, 2020 2:26 PM from Valerie Gremillion, Ph.D to everyone: Agreed. Time to support our regulators in a win-win-wni and non-adversarial strategy.

July 31, 2020 2:29 PM from Valerie Gremillion, Ph.D to everyone: OTOH, we may need wording against corruption, collusion, and *personal accountability* for those who have behaved illegally or unethically.

July 31, 2020 2:32 PM from Rebecca Sobel to everyone: <https://i.insider.com/5a32e620b0bcd533198b4ed1?width=1200&format=jpeg>

July 31, 2020 2:35 PM from Valerie Gremillion, Ph.D to everyone: 2015 rule under Martinez with 50% staffing

July 31, 2020 2:41 PM from Rebecca Sobel to everyone: Is this testimony or closing?

July 31, 2020 2:44 PM from Valerie Gremillion, Ph.D to everyone: .Grandstanding, as it is not clear. Orperhaps this is the complaints section?

July 31, 2020 2:46 PM from Valerie Gremillion, Ph.D to everyone: Since NMOGA was not notified they intended to change er, money things and permits, it is not within the scope? Under which scope would it operate?

July 31, 2020 2:47 PM from Rebecca Sobel to everyone: WHAT???

July 31, 2020 2:47 PM from Rebecca Sobel to everyone: "beneficial use" of "produced water"?

July 31, 2020 2:47 PM from Rebecca Sobel to everyone: that is unconstitutional and outrageous.

July 31, 2020 2:48 PM from Kurt Anderson to everyone: In New Mexico one does NOT own water. It is NOT a Property Right. A "Water Right" is only a permission (from the Office of the State ENgineer) to use a specified amount of the State's water - and it can be revoke

July 31, 2020 2:54 PM from Valerie Gremillion, Ph.D to everyone: They refuse to tell the public WHAT IS IN all forms of produced water!!!!

July 31, 2020 2:54 PM from Rebecca Sobel to everyone: Yup.

July 31, 2020 2:55 PM from Kurt Anderson to everyone: Again, in New Mexico a Water Right is not a Property Right.

July 31, 2020 2:55 PM from Valerie Gremillion, Ph.D to everyone: SO

tell us we can't call it hazardous due to that, when the the components we DO know are known toxins, carcinogens and poisons should count for something.

July 31, 2020 2:55 PM from Valerie Gremillion, Ph.D to everyone:
Kurt, do they BUY their fresh water? Or apply for it and get it free?

July 31, 2020 2:59 PM from Kurt Anderson to everyone: They have some Water Rights, bought and paid for. They can buy land that has associated Water Rights. They can buy water from someone who has water rights. (All of the above are subject to the approval of New Mexico's OSE.

July 31, 2020 3:06 PM from Kurt Anderson to everyone: All of this refers to New Mexico. I believe it's in Article III of our Constitution. I'm unsure of the legality of piping water in from Texas - or Mexico. Again, in New Mexico a Water Right, although it can be bought or sold, is NOT a Property Right; the water remains owned-per our Constituion- by the people of New Mexico-and can be used only with the permission of the OSE.

July 31, 2020 3:11 PM from Valerie Gremillion, Ph.D to everyone:
Thanks! Time to research OSE :)

July 31, 2020 3:12 PM from Valerie Gremillion, Ph.D to everyone:
Great job Daniel TImmons!!!