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**

WILDEARTH GUARDIANS,

PETITIONER.

New Mexico Oil & Gas Association's Closing Statement

The New Mexico Oil & Gas Association ("NMOGA"), through undersigned counsel, submits its Closing Statement regarding the proposed amendments to 19.15.2; 19.15.7; 19.15.14; 19.15.16; and 19.15.25 NMAC (collectively, "Proposed Amendments") in the Oil Conversation Commission Case No. 23580.

Introduction

NMOGA supports (1) a prohibition on the intentional addition of perfluoroalkyl and polyfluoroalkyl substances ("PFAS") to hydraulic fracturing ("fracking"), completion, and recompletion fluids; (2) operator certification to the New Mexico Oil Conservation Division ("NMOCD" or "OCD") that no PFAS-containing additives were used in the fracking, completion, or recompletion fluids; and (3) continued disclosure of chemicals to the publicly available, free FracFocus chemical registry database.

The Commission should adopt NMOGA's Proposed Amendments or, alternatively, where applicable, the amendments the NMOCD proposed, as outlined and supported in

NMOGA's Findings of Fact and Conclusions of Law ("FOF," "COL," and collectively, "Findings and Conclusions"), filed herewith. Both NMOGA and the NMOCD's Proposed Amendments represent a science-based prohibition on the use of fracking and completions fluids that contain intentionally added PFAS.

As discussed more fully below, the definition of "PFAS" that NMOGA and the NMOCD proposes, while different in words, when applied in practice are the same and provide a *tangible, enforceable* regulatory definition for "PFAS." At the end of the day and at the end of this rulemaking, if there is no way to ensure regulatory compliance for any PFAS prohibition through sampling and analysis, then any regulations banning the use of PFAS in fracking and completions are essentially meaningless.

Additionally, NMOGA's Proposed Amendments strike the right balance. NMOGA's proposal includes a mandated operator certification to the NMOCD that the fracking and completions fluids used in the respective oil and gas operations do **not** contain "PFAS" additives. Furthermore, NMOGA supports the continued use of the publicly available FracFocus for operators to continue to make their *already* mandated chemical disclosures.

Finally, NMOGA's Proposed Amendments are consistent with the Oil Conservation Commission's ("Commission" or "OCC") enumerated powers under the Oil and Gas Act (Sections 70-2-12(B)(1)-(22)), the statutes governing the adoption or enactment of rules by the Commission (Section 70-2-12.2), and the Produced Water Act (Sections 70-13-1 to 70-13-5). Because NMOGA's Proposed Amendments comport with these enumerated powers, they also avoid OCC jurisdictional overreach and ensure that the regulations implementing the Oil and Gas Act are no broader than the enabling statues.

NMOGA has also included herewith, its Findings and Conclusions, which demonstrate the evidentiary and technical bases, and legal authority for its Proposed Amendments, in enumerated paragraphs, organized by each of the respective regulations proposed to be amended or adopted. NMOGA appreciates the opportunity to have participated in this rulemaking.

I. The Proposed Amendments

a. NMOGA and NMOCD's respective definition of "PFAS" are tangible, executable, and science-based, and either definition should be adopted in this rulemaking.

As demonstrated during the hearing and as detailed in its Findings and Conclusions, WEG's proposed definition for "PFAS" is hyperbolic in the context of this rulemaking, and neither science-based nor technically feasible. WEG proposes a "single fully fluorinated carbon atom" definition of "PFAS" in its Proposed Amendments. Such a definition is hyperbolic in the context of this rulemaking because single-fully-fluorinated-carbon-atom PFAS historically have never been and are not proposed to be used in oil and gas operations. *See* **[New Energy Economy Exhibit B]**; *see* **[New Energy Economy Exhibit KH-1 to KH-3]**. In fact—by WEG's admission—the only two PFAS compounds—polytetrafluoroethylene ("PTFE") and fluoroalkyl alcohol substituted polyethylene glycol ("FPEG")—that have *historically* been used in oil and gas operations fall under the definition of PFAS with *at least two* fully fluorinated carbon atoms. *See* **[WG Ex. 19]**(identifying only PTFE and FPEG as being used in a certain *limited* number of oil and gas wells *prior* to 2020 and 2015, respectively)(emphasis added); *see also* **[Nov. 15, 2024, Tr: 207: 6 - 19 Richardson Testimony]**.

Moreover, WEG's definition is *so broad* three "PFAS" experts—Drs. Anderson, Hansen, and Sandau—could **not** quantify with any certainty the number of compounds that would be included in or excluded from WEG's single-fully-fluorinated-carbon atom definition of "PFAS,"

which comprises *at least* 10,000+ compounds. *See* **[Nov. 14, 2024, Tr: 153: 16-23 Hansen testimony]**; *see also* **[Nov. 13, 2024, Tr: 143: 19-25, Tr: 144: 1 Sandau Testimony]**; *accord* **[Nov. 15, 2024, Tr: 87:12 -23 Anderson Testimony]**.

Also, WEG's definition of "PFAS" is so broad, it is unconstitutionally vague. *See Bokum Resources Corp. v. New Mexico Water Quality Control Comm'n*, 1979-NMSC-090, ¶ 5, 93 N.M. 546, 603 P.2d 285 (Holding definition of "toxic pollutants" in the water quality regulations includes such a potentially large, unidentifiable class of contaminants that it was unconstitutionally vague). WEG proposed its ever-encompassing definition for "PFAS" merely because "any scientific uncertainty [about PFAS] must be resolved by prevention" and not because single-fully-fluorinated-carbon-atom PFAS had or have a relationship to or use in oil and gas operations. *See* **[New Energy Economy Exhibit B, at pg. 9]**; *see also* **[WG Ex. 19]**.

Relatedly, WEG's definition is not science-based, that is, its definition is not based on scientific evidence suggesting potential human or environmental risks associated with single fluorinated carbons, nor the types of PFAS and physical-chemical properties that may have been previously used in oil and gas fracking. WEG's definition is, also, not technically feasible. In addition to having no demonstrated relationship to or use in oil and gas, WEG's "PFAS" definition is so broad it includes and prohibits PFAS safely used in everyday medicines such as Paxlovid, Lipitor, Flonase, and Prozac. *See* **[NMOGA Exhibit E4]**; *see also* **[NMOGA Exhibit E, at pg. 4]**; *see also* **[NMOGA Rebuttal Exhibit E30]**; *see also* **[Nov. 15, 2024, Tr: 165: 21-25 Hansen]**; *see also* **Nov. 14, 2024, Tr: 166: 1-10 Hansen]**; *accord* **[NMOGA Exhibit D11]**. The U.S. Environmental Protection Agency uses a "PFAS" definition of "at least two fully fluorinated carbons" because such definition focuses efforts on the "PFAS of concern." *See* **[NMOGA Exhibit E8, at pg. 5]**. There is no science that supports the inclusion of compounds

with only a single fluorinated carbon within the context of this rule rulemaking; that is, there is no evidence that including single fluorinated carbon compounds within the scope of "PFAS" in this rulemaking would improve public health or alleviate environmental concerns. *See* **[NMOGA Exhibit E8, at pg. 5]**.

WEG's definition is, likewise, technically infeasible. There is no promulgated analytical method that can sample and analyze for a single-fully-fluorinated-carbon-atom PFAS. *See* **[Nov. 15, 2024, Tr: 61: 23-25, Tr: 62: 1-2 Anderson Testimony]**; *see also* **[Nov. 13, 2024, Tr: 142: 16-25, Tr: 143: 1-6 Sandau Testimony]**. Without any standardized method to verify compliance through sampling, WEG and New Energy Economy's ("NEE") definition of "PFAS," which contains a single-fully-fluorinated-carbon-atom is wholly unenforceable. *See* **[Nov. 13, 2024, Tr: 108: 17-22 Anderson Testimony]**; *see also* **[Nov. 13, 2024, Tr: 142: 16-25, Tr: 143: 1-6 Sandau Testimony]**. Without an enforceable prohibition, any regulation banning the use of PFAS in fracking and completions operations is meaningless.

On the other hand, both NMOGA and the NMOCD, respectively, proposed a definition of "PFAS" that is tangible and executable, *i.e.*, there exists standardized and promulgated analytical methods that can sample for the two-fully-fluorinated-carbon-atom "PFAS" and the NMOCD can, therefore, ensure compliance with any such "PFAS" prohibition. *See* **[NMOGA Exhibit D, at pgs. 10-11]**; *see* **[OCD Exhibit 1-0003]**; *see also* **[Nov. 13, 2024, Tr: 142: 16-25, Tr: 143: 1-6 Sandau Testimony]**. While NMOGA and the NMOCD's respective definitions are different in words, in practice, when applied, these definitions are the same. That is, both NMOGA and the NMOCD's proposed, respective definitions for "PFAS" both regulate thousands of chemicals. *See* **[NMOGA Exhibit D7]**; *see* **[NMOGA Exhibit E30];** *see also*

[NMOGA Exhibit E, at pg. 10]; *accord* **[Nov. 13, 2024, Tr: 142: 10- 25 Sandau Testimony]**; *accord* **[Nov. 15, 2024, Tr: 61: 15-22 Anderson Testimony]**.

Furthermore, both NMOGA and NMOCD's definitions of "PFAS" are clear, so they can be implemented by the NMOCD and adhered to by operators. Science and feasibility—not conjecture, nor scare tactics—should be the bases for the definition of "PFAS" in the Proposed Amendments. The Commission should correctly adopt NMOGA or NMOCD's definition of "PFAS" and reject WEG's definition of "PFAS."

b. Any amended regulations must account for the ubiquitousness of PFAS in the environment and include a definition for "intentionally added PFAS" or the like, as both NMOGA and the NMOCD propose.

WEG's Exhibit 8 contains examples of statutes passed in other States that prohibit the use of PFAS in various different products, including food packaging, cosmetics and other consumer goods, and firefighting foams. *See* **[WG Exhibit 8, at pgs. 1-5]**. Notably, *every* State in WEG's Exhibit 8 included in its respective statute, a qualification, that is, the prohibition on the use of PFAS applies only to "intentionally added PFAS." *See* **[WG Exhibit 8, at pgs. 5, 9, 23, 30, 41, etc.]**; *see also* **[Nov. 15, 2024, Tr: 203: 24-25, Tr: 204: 1-23 Richardson Testimony]**. Despite such inclusion in the other States' statutes and despite WEG upholding these other States' statutes as a model for this rulemaking, WEG *excluded* the definition of "intentionally added PFAS" from its Proposed Amendments. *See* **[WG Ex. 1, at pgs. 12-13**] (providing no definition of or for "intentionally added PFAS").

NMOGA provided a definition for the term "intentionally added PFAS" with its Proposed Amendments. NMOGA provided a defined term for "intentionally added PFAS" to account for the numerous potential sources of PFAS in the environment that are unrelated to oil and gas operations, including but not limited to, septic systems, treated wastewater from

wastewater treatment plants, biosolids used for agriculture, consumer textiles, firefighting foams, and many other sources. *See* **[NMOGA Exhibit A.3]**; *see* **[NMOGA Exhibit D11];** *see* **[NMOGA Exhibit D13]**; *see* **[NMOGA Exhibit D14]**; *see* **[NMOGA Exhibit D, at pg. 14]**.

The NMOCD has proposed a similar backstop in its redlined revisions to proposed 19.15.7.16.A. NMAC, requiring that operators certify that "no PFAS chemicals were added to the fluid used in the completion or recompletion of the well." **[OCD Exhibit 1-0007]**. The focus of both the PFAS prohibition in NMOGA and NMOCD's Proposed Amendments is the *addition* of PFAS chemicals to fracking and completions fluids to serve an intended function in the fluids used in oil and gas operations, which is the proper scope of any such prohibition in this rulemaking. *See* **[OCD Exhibit 1-0007]**. Any such prohibition should not ensnare PFAS that—because of their ubiquitousness in the environment—unintentionally end up or are otherwise present in oil and gas operations. *See* **[OCD Exhibit 1-0007]**; *see also* **[Nov. 14, 2024, Tr: 119: 10-22 Powell Testimony]**.

Any amended regulations must account for the factual reality that PFAS are ubiquitous in the environment, come from multiples sources *other* than and unrelated to oil and gas operations, and that the proper scope of the prohibition in this rulemaking are PFAS *added to* fracking and completions fluids to serve some end purpose use in the fluids—such as by being a friction reducer—which is also consistent with the Commission's regulatory jurisdiction in the Oil and Gas Act, Section 70-2-12(B)(1)-(22). *See* NMSA 1978, § 70-2-12(B)(1)-(22)(1953); *see* **[OCD Exhibit 1-0007]**; *see also* **[NMOGA Exhibit D, at pg. 14]**. The Commission should adopt either NMOGA's proposed definition for "intentionally added PFAS" or the NMOCD's similar backstop, as it appears in the NMOCD's proposed 19.15.7.16.A. *See* **[OCD Exhibit 1-0007]**.

c. Further modifications to NMOCD's Proposed Amendments to 19.15.16.17 are needed but with the enumerated, additional modifications, NMOGA could support the NMOCD's proposed changes to 19.15.16.17.

NMOGA, NMOCD, and WEG all proposed amendments to the existing regulations at 19.15.16.17 NMAC, entitled, "Completion Operations, Shooting, and Chemical Treatment of Wells." *See* **[NMOGA Exhibit A, at pg. 11]**; *see* **[OCD Exhibit 4-0044 to 4-0049]**; *see also* **[WG Ex. 1, at pgs. 17-18]**. On November 14, 2024, during the rulemaking hearing, Brandon Powell ("Mr. Powell") testified extensively regarding the OCD's Proposed Amendments to 19.15.16.17 that appear at OCD Exhibit 1-0009 and the technical bases therefor. *See* **[Nov. 14, 2024, Tr: 53: 11 to Tr: 58: 1-3 Powell Testimony]**; *see* **[OCD Exhibit 4-0044 to 4-0049]**. Mr. Powell's testimony regarding the NMOCD's Proposed Amendments to 19.15.16.17 are not necessarily congruent with the OCD written amendments to 19.15.16.17 that it provided before the hearing in OCD Exhibit 1-0009. *See* **[Nov. 14, 2024, Tr: 53: 11 to Tr: 58: 1-3 Powell Testimony]**; *but see* **[OCD Exhibit 1-0009, at 19.15.16.17]**.

As NMOGA discusses in detail in its FOF, NMOGA could support the NMOCD's Proposed Amendments to 19.15.16.17 *provided* that further modifications are made to 19.15.16.17 that are congruent with Mr. Powell's hearing testimony on the same. These further modifications to 19.15.16.17 are needed for regulatory clarity and to eliminate the ambiguities that currently exist in NMOCD's Proposed Amendments made pre-hearing and reflected in OCD Exhibit 1-0009. Mr. Powell's testimony clarified these ambiguities and NMOCD's Proposed Amendments to 19.15.16.17 should be further refined to eliminate these ambiguities and once refined, adopted by the Commission. With such further changes, congruent with Mr. Powell's testimony and as outlined in its FOF, NMOGA could support the NMOCD's Proposed Amendments to 19.15.16.17.

d. WEG's Proposed Amendments requiring both full disclosure of all chemicals in FracFocus and mandated reporting of the FracFocus disclosures to a litany of individuals and entities are contrary to New Mexico law, lack any technical basis, and should be rejected.

WEG has proposed to alter the already mandated FracFocus disclosures for fracking and completions fluids in two ways. First, WEG proposes to amend existing 19.15.16.19.B to mandate *full* disclosure of chemicals—even those that are not PFAS—in FracFocus, *i.e.*, operators could no longer redact trade name or concentration of trade-secreted components of fracking or completions fluids while disclosing everything else in FracFocus, as is the current-day practice. *See* **[WG Ex. 1, at pgs. 14, 18-19]**(emphasis added); *see* Application, at pg. 4 (WEG's disclosure provision "accomplishes the goal of disclosure of all chemicals used in downhole operations," despite WEG's simultaneous recognition in its Application that the NMOCD has no regulatory jurisdiction over trade-secrets); *see also* 19.15.16.19.B NMAC ("For a hydraulically fractured well, the operator *shall* also complete and file with the FracFocus chemical disclosure registry a completed hydraulic fracturing disclosure within 45 days after completion, recompletion, or other hydraulic fracturing treatment of the well").

The Commission should reject WEG's proposed *full* disclosure requirements because these amendments (1) exceed the OCC's regulatory jurisdiction and (2) are contrary to public policy. Under the Oil and Gas Act's enumerated powers provisions, the Commission has no jurisdiction *whatsoever* over trade-secrets. *See* NMSA 1978, §70-2-12(B)(1)-(22)(emphasis added). Because any regulation that the Commission adopts or enacts cannot be broader than its statutory powers, the indirect waiver of trade-secrets that WEG proposes by mandating *full* disclosure of all chemicals in FracFocus is *ultra vires* and, thus, unlawful. *See Gonzales v. New Mexico Educ. Ret. 3d.*, 1990-NMSC-024, ¶ 11, 109N.M. 592, 788 P.2d 348 ("An agency may not create a regulation that exceeds its statutory authority."); *see also Marbob Energy Corp. v.*

N.M. Oil Conservation Comm., 2009-NMSC-013, ¶ 5, 206 P.3d 135 ("[a]n agency may not create a regulation that exceeds its statutory authority").

Additionally, WEG's proposal is contrary to New Mexico public policy. There is a "strong public policy in New Mexico supporting the confidentiality of trade secrets." *See also Pincheira v. Allstate Ins. Co.*, 2007-NMCA-094, ¶ 34, 142 N.M. 283, 164 P.3d 982; NMSA 1978, §57-3A-2(D)(1)-(2)(1989). Since 1989 New Mexico has protected trade-secrets by statute and prior to 1989 by common law. *See Pincheira*, 2007-NMCA-094, ¶ 34. Nevertheless, WEG requests that the Commission disregard both its express statutory powers and public policy in favor of trade secret protections and prevent operators from redacting trade-secreted trade names or concentrations in their FracFocus disclosures, even when the substance is *not* PFAS. *See* **[WG Ex. 1, at pgs. 14, 18-19]**. During the hearing, however, WEG provided no technical basis for adopting these mandated disclosures. *See* FOF, at ¶¶ C.42-45, 85-86, 128-143. There was absolutely no link between the currently allowed FracFocus redactions and any demonstration that these current-day FracFocus disclosures fail to protect human health and the environment. *See id.*

Furthermore, such proposal unreasonably forecloses the use of highly effective, hydraulic fracture chemicals—even if they are <u>not</u> PFAS—just because the trade name and/or concentration of the chemical is not disclosed due to trade secret protections. *See* **[WG Ex. 1, at pgs. 14, 18-19]**. But preventing the use of the most effective fracking and completions fluids is contrary to Section 70-2-11 requiring that both the Commission and the NMOCD "prevent waste and protect correlative rights." *See* NMSA 1978, §70-2-11(A)-(B)(1935).

Second, WEG seeks to enact an entirely new regulation at 19.15.16.19.D requiring that the FracFocus disclosures are *also* then provided to *at least* thirteen different individuals, public

bodies, entities, and more, despite that anyone interested in these disclosures can currently find them for free in FracFocus. *See* **[WG Ex. 1, at pgs. 14, 18-19]**. Again, however, WEG provided no technical basis for enacting these new provisions at 19.15.16.19.D. *See* FOF, at ¶¶ C.42-45, 85-86, 128-143. WEG, similarly, failed to demonstrate through any technical basis that the current practice of making such disclosures in FracFocus, which the public can obtain for free is insufficient. *See id.*

NMOGA, however, provided a technical basis for *rejecting* such mandated disclosures through both the written and oral testimonies of Dr. Janet Anderson. *See* FOF, at ¶¶ 128-143; *see* **[NMOGA Exhibit E, at pgs. 14-17]**; *see also* **[Nov. 15, 2024, Tr: 129: 7-25, Tr: 130: 1-15 Anderson Testimony]**. As Dr. Anderson testified to in detail, providing such scattershot chemical disclosures—without any context or to those with expertise to understand/interpret the disclosures, as WEG proposes—is contrary to all best risk communication practices, including those recommend by US Environmental Protection Agency and the Interstate Technical and Regulatory Council risk communication guidance. *See* FOF, at ¶¶ 128-143; *see* **[NMOGA Exhibit E29]**; *see also* **[NMOGA Exhibit E, at pg. 17]**; *see also* **[Nov. 15, 2024, Tr: 118 : 12-25, Tr: 119 : 1-12 Anderson Testimony]**. Importantly, Dr. Anderson also testified that disclosing the use of chemicals with no context can do more harm than good in and for communities. *See* FOF, at ¶¶ 128-143; *see* **[NMOGA Exhibit E29]**; *see also* **[NMOGA Exhibit E, at pg. 17]**; *see also* **[Nov. 15, 2024, Tr: 118 : 12-25, Tr: 119 : 1-12 Anderson Testimony]**.

The current regulations that require operators to disclose their non-trade-secreted components of fracking and completions fluids in FracFocus strikes the right balance because it is in accordance with New Mexico laws and public policy and ensures that the NMOCD has and will continue to protect human health and the environment. WEG provided no technical evidence

otherwise. The Commission should properly *reject* WEG's Proposed Amendments banning the use of undisclosed chemicals and mandating scattershot chemical disclosures to a litany of *at least* 13 different individuals, entities, public bodies, etc.

e. The OCC should carefully and thoughtfully consider both the Commission's enumerated powers, the standards for adoption or enactment of regulations, and the practical effects of WEG's Proposed Amendments to avoid jurisdictional overreach in this rulemaking or absurd regulatory outcomes.

As NMOGA analyzed and discussed in its COL, WEG seeks to have the Commission regulate the *generation*—as opposed to the *disposition*—of non-domestic waste through its Proposed Amendments. *See* COL, at ¶¶ b.9-20. But legally, "generation" and "disposition" are neither inter-changeable, nor are they synonymous. *See id*.; *see also* NMOGA Pre-Hearing Statement, at pg. 5. More importantly, Section 70-2-12(B)(15), (21), and (22), WEG's statutory hooks for the amendments it proposes, by their *plain* language delegates *no* power to the Commission to regulate the *generation* of non-domestic waste. *See* COL, at ¶¶ b.9-20; *see* also §§70-2-12(B)(21), (22)(providing authority to OCC to regulate "disposition of nondomestic wastes" in statutorily enumerated contexts). In determining whether to adopt WEG's amendments, whose bases are Section 70-2-12(B)(21) and (22), the Commission should consider whether such proposal is consistent with and no broader than the powers that the legislature has delegated to it. *See* §§70-2-12(B)(21), (22); *see also Marbob Energy Corp.* 2009-NMSC-013, ¶ 5 ("[a]n agency may not create a regulation that exceeds its statutory authority").

Similarly, the Commission can only adopt a proposed regulatory amendment or enactment where it is (1) not "arbitrary, capricious, or an abuse of discretion;" (2) is "supported by substantial evidence in the record"; and (3) is "otherwise [ ] in accordance with law." NMSA 1978, § 70-2-12.2(C)(1)-(3)(2015). As it deliberates on each of the Proposed Amendments in this rulemaking, the Commission should consider whether each one WEG's Proposed Amendments

meets these statutory requirements, with particular attention to whether such change "is supported by substantial evidence in the record." *See id.* Likewise, as discussed above, the Commission should avoid adopting or enacting regulations that are so broad that they are unconstitutionally vague. *See Bokum Resources Corp.*, 1979-NMSC-090, ¶ 5. If the respective Proposed Amendment does not meet both the Section 70-2-12.2(C)(1)-(3) and constitutional standard for adoption and enactment, the OCC should properly reject the Proposed Amendment.

Finally, good rulemaking is that which creates regulatory certainty for the regulated community, the public, and the regulators, *i.e.*, the practical effect of any regulations. The Commission should avoid adopting or enacting proposed changes that would create regulatory uncertainty, ambiguity, or create an absurd outcome, such as, less rather than more certainty for the regulated community, the public, and the regulators.

II. Conclusion

NMOGA recognizes and appreciates the time and effort of all Parties, the Hearing Officer, and the Commission in this rulemaking, Case No. 23580. NMOGA thanks the Commission and the Hearing Officer for the opportunity to participate in this important rulemaking and public process.

Respectfully submitted,

HOLLAND & HART LLP

By: 

Adam G. Rankin
Cristina A. Mulcahy
Post Office Box 2208
Santa Fe, NM 87504
505-998-4421
505-983-6043 Facsimile
mfeldewert@hollandhart.com
agrankin@hollandhart.com
camulcahy@hollandhart.com
pmvance@hollandhart.com
jbroggi@hollandhart.com

ATTORNEYS FOR THE NEW MEXICO OIL & GAS ASSOCIATION

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Closing Statement was e-mailed to the following on February 19, 2024:

NM Oil Conservation Commission Hearings:
occ.hearings@emnrd.nm.gov

Oil Conservation Commission Clerk Sheila Apodaca:
Sheila.Apodaca@emnrd.nm.gov

Jesse Tremaine
Chris Moander
Assistant General Counsel
New Mexico Energy Minerals and
Natural Resources Department
1220 S. St. Francis Drive
Santa Fe, NM 87505
jessek.tremaine@emnrd.nm.gov
chris.moander@emnrd.nm.gov

Attorneys for New Mexico Oil Conservation Division

Daniel Rubin
Assistant Attorney General
NM Dept. of Justice
408 Galisteo St.
Santa Fe, NM 87501
505-537-4477
drubin@nmag.gov

Attorney for New Mexico Oil Conservation Commission

Tim Davis
Tim Davis
WildEarth Guardians
301 N. Guadalupe St., Ste. 201
Santa Fe, NM 87501
(205) 913-6425
tdavis@wildearthguardians.org

Attorney for WildEarth Guardians

Deana M. Bennett
Modrall Sperling
Post Office Box 2168
500 Fourth Street NW, Suite 1000
Albuquerque, New Mexico 87103-2168
Telephone: 505.848.1800
deana.bennett@modrall.com

Jordan L. Kessler
125 Lincoln Avenue, Suite 213 Santa Fe, New Mexico 87501
(432) 488-6108
jordan_kessler@eogresources.com

Attorneys for EOG Resources, Inc.

Mariel Nanasi, Esq.
Executive Director
New Energy Economy
300 East Marcy St.
Santa Fe, NM 87501
(505) 469-4060
mariel@seedsbeneaththesnow.com

Attorney for New Energy Economy

Mr. Nicholas R. Maxwell
P.O. Box 1064
Hobbs, New Mexico 88241
Telephone: (575) 441-3560
inspector@sunshineaudit.com

Individually

By: 

34121203_v1