

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION
Regular Meeting
April 11, 2024
Meeting Minutes

The Oil Conservation Commission meeting was a hybrid meeting with both in person and virtual participation options. The meeting was held in the Pecos Hall Hearing Room at the Wendell Chino Building, 1st Floor, 1220 South St. Francis Ave., Santa Fe, New Mexico.

MEMBERS PRESENT:

Dylan Fuge	Chair, Oil Conservation Division
Greg Bloom	Designee, New Mexico State Land Office Commissioner [remote attendance, <i>via</i> Cisco Webex]
William Ampomah	Designee, Energy, Minerals and Natural Resources Department

OTHERS PRESENT:

Daniel Rubin, Commission Counsel

The meeting was called to order by Chair Fuge at 9:00 a.m.

Item 1. Roll Call.

Action: Roll was taken; a quorum was present.

Item 2. Approval of the Agenda.

Action: Commissioner Bloom made a motion to adopt the April 11, 2024 agenda and Commissioner Ampomah seconded the motion. A roll call vote was taken. The motion carried unanimously.

Item 3. Approval of the March 14, 2024 Meeting Minutes.

Action: Commissioner Bloom made a motion to adopt the March 14, 2024 minutes and Commissioner Ampomah seconded the motion. A roll call vote was taken. The motion carried unanimously.

Item 4. Pending cases

Action: The following cases were called for status conferences:

Case 23580: Application of WildEarth Guardians to Consider the Proposed Amendments to the Commission's rules to address Perfluoroalkyl and Polyfluoroalkyl Substances and their use in oil and gas extraction, 19.15.2, 19.15.16, 19.15.31, and 19.15.32 NMAC.

Jesse Tremaine appeared on behalf of the Oil Conservation Division; Michael Feldewert appeared on behalf of the Oil and Gas Association; Tim Davis appeared on behalf of WildEarth Guardians; and Deanna Benett appeared on behalf of EOG Resources.

Chair Fuge proposed scheduling the Rulemaking Hearing for November 12-15, 2024. This hearing will supplant the OCC's regular monthly meeting. Commissioner Bloom motioned to approve the scheduling and Commissioner Ampomah seconded the motion. The motion carried unanimously. An updated scheduling order will be circulated between the parties and will be presented at the May 9, 2024 OCC Meeting.

Case Nos. 24277, 24278, 23755: Goodnight Midstream Permian, LLC Applications to Amend Orders R-7767, R-7765, and R-23048; along with **Case Nos. 23614, 23615, 23616 and 23617:** Goodnight Midstream Permian, LLC's Applications for Approval of a Saltwater Disposal Well, Lea County; and **Case Nos. 24018-24027:** Empire New Mexico's Applications to revoke Goodnight's existing permits to inject produced water into the San Andres Formation.

Action: Adam Rankin appeared on behalf of Goodnight Midstream Permian, LLC; Dana Hardy appeared on behalf of Empire New Mexico; Sharon Shaheen appeared on behalf of Empire New Mexico; Ernest Padilla appeared on behalf of Empire New Mexico; and Chris Moander appeared on behalf of the Oil Conservation Division.

Chair Fuge recommended scheduling the hearing in these consolidated matters for September 23-27, 2024. Commissioner Bloom motioned to approve the scheduling and Commissioner Amphomah seconded the motion. The motion carried unanimously. These matters were set for hearing on September 23-27, 2024.

Discussion was had regarding continuing these matters to the May 9, 2024 OCC Meeting for discussion of a final procedural order, and setting a hearing on motions concerning the scope of this proceeding at the June 20, 2024 regularly scheduled OCC Meeting.

Chair Fuge moved to set OCC cases 24277, 24278 and 23755 for hearing on motions concerning scope of proceeding on June 20, 2024. The ultimate hearing of these cases will be held at a special Commission Meeting from September 23 to September 27, 2024. Commissioner Bloom seconded the motion. The motion carried unanimously. Chair Fuge continued cases to the next meeting for the parties to compose a more flushed out procedural order for this matter in light of those dates.

Case 23655: Application of the Joint Industry Technical Committee to Amend Order No. R-111-P, Lea and Eddie Counties, New Mexico. Applicant in the above-styled cause seeks to amend Commission Order R-111-P, adopted in 1988 under Case 9316, to add anti-collision measures, to modify the well casing and cementing requirements, to provide additional notification requirements to potash operators, to provide for subsidence monitoring, and to adopt other proposed changes for oil and gas development in the Known Potash Leasing Area located in Eddy and Lea Counties, New Mexico.

Action: The Commission heard evidence in the application at the April 11, 2024 OCC Meeting and OCC staff circulated a draft order based on proposed findings submitted by the parties. There were some comments submitted by JITC, other parties were given the opportunity to discuss. Parties to come to final consensus on final revisions to draft order and submit to the Commission in consensus with redlines for the Commission's review prior to the May 9, 2024 meeting, where this matter will be heard for voting and signature.

Item 5. Other business

Action: There was no other business.

Item 6. Pending Litigation

Action: Commission Counsel Rubin announced that oral argument will be held tomorrow morning on all dispositive motions in the *Atencio* matter, in a hybrid fashion before Judge Matthew Wilson in the First District Court. If anyone would like the link, they should contact Mr. Rubin.

Item 7. Next meeting

The next meeting will be held on May 9, 2024.

Item 8. **Adjournment**

Chair Fuge adjourned the meeting at 9:42 a.m.



Dylan Fuge
Chair