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**DEPARTMENT OF NATURAL RESOURCES
STATE OF MISSOURI**

IN RE: STATE OIL AND GAS COUNCIL

PUBLIC HEARING

NOVEMBER 16, 2015

NATIONWIDE SCHEDULING

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DEPARTMENT OF NATURAL RESOURCES

STATE OF MISSOURI

IN RE: STATE OIL AND GAS COUNCIL

PUBLIC HEARING, held on NOVEMBER 16,
2015, between the hours of eight o'clock in the
forenoon and six o'clock in the afternoon of that day,
at the Missouri Department of Natural Resources, 111
Fairground Road, Annex Building, Rolla, Missouri
65401, before Sarah J. Pokorski, a Certified Court
Reporter and Notary Public within and for the State of
Missouri, in a certain cause now pending before the
Department of Natural Resources, State of Missouri.

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A P P E A R A N C E S

Chairman:
John Madras

Council Members:
Joe Gillman
John Borgmeyer
David Bleakley
William J. Luebbert
Bill Ransdall

Staff:
Carey Bridges
Connie Edwards
Brook McCarrick

Also Present:

Court Reporter:
Sarah J. Pokorski, CCR
Missouri CCR No. 745
Midwest Litigation Services
711 North Eleventh Street
St. Louis, Missouri 63101
314-644-2191
1-800-280-DEPO

1 IT IS HEREBY STIPULATED AND AGREED that
2 this hearing may be taken in shorthand by Sarah J.
3 Pokorski, CCR, a Certified Court Reporter and Notary
4 Public, and afterwards transcribed into typewriting.

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* * * * *

7

8 (Starting time of the hearing: 10:03 a.m.)

9

10 MR. MADRAS: Okay. Why don't we go ahead
11 and get started. Like to welcome everyone to the
12 November 16, 2015 meeting of the Missouri Oil & Gas
13 Council. First, I'd like to go through introductions
14 so that everyone is identified for our role. I'm John
15 Madras, and I'm with the Clean Water Commission. And
16 why don't we just introduce ourselves as we go around.

17 MR. BLEAKLEY: David Bleakley with Missouri
18 Independent Oil & Gas Association.

19 MR. BORGMEYER: John Borgmeyer with the
20 Missouri Public Service Commission.

21 MR. GILLMAN: Joe Gillman, Missouri
22 Geological Survey, Department of Natural Resources.

23 MR. MADRAS: Okay. Bill?

24 MR. LUEBBERT: I'm Bill Luebbert,
25 representing the public.

1 MR. RANSBALL: Bill Ransdall, representing
2 the Department of Economic Development.

3 MR. MADRAS: Thank you. And our
4 representatives from the Department?

5 MS. EDWARDS: Connie Edwards. I'm with the
6 Geological Survey Program and the council secretary.

7 MS. BRIDGES: Carey Bridges. I'm director
8 of the Geological Survey Program.

9 MS. MCCARRICK: Brook McCarrick, attorney
10 general's office.

11 MR. MADRAS: Thank you. And I would also
12 ask that anyone in attendance today identify
13 themselves as well.

14 MR. PIERCE: Larry Pierce, Missouri
15 Geological Survey.

16 MR. WILLOW: Don Willow, General Counsel's
17 office.

18 MR. VIERRETHETTER: Chris Vierrether, Missouri
19 Geological Survey.

20 MS. WILKS: Rhonda Wilks, Missouri
21 Geological Survey.

22 MR. BAUGHMAN: Joey Baughman, Missouri
23 Geological Survey.

24 MR. KADEN: Scott Kaden, Missouri
25 Geological Survey.

1 MR. MADRAS: Okay. Thank you very much.
2 First up on our agenda, we have a public hearing for
3 proposed rule makings. I've a statement to start off
4 with, and then we'll get into public comments after
5 that. The council will begin the public hearing on
6 the proposed rules, rule amendments, and rule
7 rescissions related to the following 24 rules. We
8 have 10 CSR 50-1.010, Organization; 10 CSR 50-1.020,
9 General Procedures and Purpose; 10 CSR 50-1.030,
10 Definitions; 10 CSR 50-1.040, Enforcement Actions and
11 Appeal Procedures; 10 CSR 50-1.050, Assessment of
12 Costs; 10 CSR 50-2.010, Organization Report; 10 CSR
13 50-2.020, Bonds; 10 CSR 50-2.030, Application for
14 Permit to Drill, Deepen or Plug-Back; 10 CSR 50-2.040,
15 Drilling and Completion; 10 CSR 50-2.050, Samples,
16 Logs and Completion Reports; 10 CSR 50-2.055,
17 Injection Wells, Mechanical Integrity Testing and Well
18 Simulation Treatment; 10 CSR 50-2.060, Plugging and
19 Abandonment; 10 CSR 50-2.065, Operations; 10 CSR
20 50-2.070, Well Spacing; 10 CSR 50-2.080, Monthly
21 Reports; 10 CSR 50-2.090, Disposal of Fluids by
22 Injection; 10 CSR 50-2.100, Enhanced Recovery
23 Projects; 10 CSR 50-2.110, Special Projects and
24 Research Projects; 10 CSR 50-2.120, Gas Storage
25 Operations; 10 CSR 50-3.010, Establishing Spacing

1 Units; 10 CSR 50-3.020, Production Units and Well
2 Spacing for Enhanced Production; 10 CSR 50-4.010,
3 Application for Authorization of a Pooling Unit; 10
4 CSR 50-4.020, Application for Authorization of
5 Unitization for Enhanced Recovery; 10 CSR 50-5.010,
6 Application for Authorization for Voluntary and
7 Statutory Unitization. The purpose of this public
8 hearing is to provide the public the opportunity to
9 comment on the proposed rules, rule amendments and
10 rule rescissions. This public hearing is not a forum
11 for debate or resolution of issues. The council asks
12 that testimony be to the point and be as brief as
13 possible. And given the large number of rules
14 involved, please identify the specific rule to which
15 your comment applies. The council will first hear
16 from Department staff. The public will then have an
17 opportunity to comment. We ask that all individuals
18 provide -- providing testimony fill out an attendance
19 card so the records are complete. When you come
20 forward to present testimony, please speak clearly
21 into the microphone and begin by identifying yourself
22 to the court reporter. Following the public hearing
23 today, the Department will review the testimony
24 presented, along with any further comments on the
25 proposed rules and rule amendments or rule rescissions

1 received during the public comment period that ends on
2 November 18th, 2015. The council plans to review the
3 Department's final recommendation on the proposed
4 rules at the meeting scheduled for November 23rd,
5 2015. The council will decide at that meeting whether
6 to accept the Department's recommendations. The court
7 reporter will now swear in anyone wishing to testify
8 at this public hearing. Would all those wishing to
9 provide testimony please stand.

10 CAREY BRIDGES,
11 OF LAWFUL AGE, HAVING BEEN DULY SWORN TO TELL THE
12 TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH,
13 TESTIFIED AS FOLLOWS:

14 MR. MADRAS: Please proceed with the
15 testimony now from the Department.

16 MS. BRIDGES: Thank you, Mr. Chairman. And
17 good morning, members of the council. I will direct
18 you to tab two in your binders if you have not already
19 turned there. There's a copy of the rules as
20 published by the Secretary of State's office. My name
21 is Carey Bridges, and I'm director of the Geological
22 Survey Program. I'm here to present information from
23 the Department on this rule making. First, I wanted
24 to thank everyone who participated throughout this
25 process. We've had ongoing discussions for several

1 years to improve the process of how we work, as well
2 as to establish a fee structure. And this
3 collaborative effort among staff and stakeholders and
4 interested parties to incorporate the needs of both
5 industry as well as the State has resulted in a
6 modernized set of rules that will be easier to
7 understand and to use both for industry and for staff.
8 Beginning in 2013, the Department began working with
9 industry and the advisory committee to develop initial
10 draft revisions to the rules. Numerous stakeholder
11 meetings have been held, beginning in February of 2014
12 regarding the oil and gas rule revisions. We've,
13 throughout the process, incorporated rule language
14 that was proposed by MIOGA into Missouri's framework.
15 And members of the Oil & Gas Advisory Committee,
16 MIOGA, state and federal regulators, landowners and
17 interested public attended all of those stakeholder
18 meetings. To give you some statutory background, this
19 session, the general assembly passed and the governor
20 signed House Bill 92. It became effective August
21 28th. And it had some updates. One of those was
22 section 259.052, which establishes the Oil & Gas
23 Resources Fund to administer the provisions of Chapter
24 259. Also, Section 259.080.2 provides the authority
25 to establish a fee structure through stakeholder and

1 council process. To develop the fee proposal to
2 incorporate with the overall rule-making effort that
3 we have been undertaking over the past several years,
4 we held five separate stakeholder meetings from June
5 25th to September 9th to discuss those fees. At those
6 meetings, the Department provided information about
7 the budget, projected revenues and expenditures. We
8 also analyzed the fee structure of other states, and
9 those were considered in the development. We
10 presented and discussed several different scenarios
11 with difference fee types, as well as different fee
12 amounts. Stakeholders provided input about those fee
13 types and the impact of the potential fees and their
14 preferences for the types of fees to help encourage
15 exploration in the state. The recent statutory
16 changes requires stakeholder input and council
17 approval to move forward with the proposed fee rule.
18 The stakeholder process, as I mentioned, was completed
19 in September of 2015, with the final stakeholder
20 meeting being held September 9th. The stakeholders
21 are in agreement with the proposed fee structure, and
22 that proposal was submitted to the council on
23 September 10th of 2015. The proposed amendments as
24 part of the proposed rule making were approved by the
25 council at its meeting on September 11. Following

1 that meeting, on September 15th, 24 rules were filed
2 for 10 CSR 50. Among those 24 rules are 16 amendments
3 to existing rules, six new rules, and two rescissions.
4 And Mr. Madras enumerated those previously. I won't
5 get into the specific details of the rules today. You
6 have a copy in your packet, and it's been published in
7 the Missouri Register. But we have gone through
8 extensive discussions with stakeholders to arrive at
9 these proposed rules. The major issues that have been
10 included and updated include establishing the fee
11 structure, incorporating an operator license instead
12 of just an organization report, updating the bonding
13 requirements, including mechanical integrity
14 testing procedures, incorporating methods for
15 calculating injection pressures, establishing a more
16 robust enforcement process, incorporating many
17 advances in technologies, such as for horizontal wells
18 or for well stimulation projects; including shut-in
19 well requirements, and clarifying those requirements
20 and time frames; and modern procedures of well spacing
21 to recognize how the industry is -- is currently
22 producing. One of the big changes was separating the
23 permit to drill from the permit to inject. There are
24 also clarifications of the duties of the state
25 geologist versus the duties and roles of the council.

1 And many definitions were added to address the modern
2 practices and procedures throughout the rule. October
3 15th, the proposed rule making was published in the
4 Missouri Register, and those rules incorporate the
5 limitations that were outlined by the general assembly
6 with respect to the fee timelines. Today's public
7 hearing coincides with the public comment period that
8 began during that publication. And the public comment
9 period ends November 18th at 5:00 p.m. Upon closing
10 of the public comment period, the Department will
11 respond to comments that were received and prepare an
12 order of rule making to present to the council. So
13 just a summary of the rule making schedule. November
14 23rd -- next Monday -- we have a vote. We'll have a
15 meeting to vote on the final order of rule making that
16 will be presented. December 1st is our statutory
17 deadline to file the order of rule making with the
18 Joint Committee on Administrative Rules. And
19 following that, there are set time lines that we have
20 to meet. January 4th of 2016, we will file the order
21 of rule making with the Secretary of State. February
22 1st, the final rule will be published in the Missouri
23 Register. February 29th -- it is a leap year -- the
24 code will be published. And March 30th, the code and
25 the rules will be effective. The following January of

1 2017, then the fees will become effective as per the
2 statutory requirements. With that, I look forward to
3 proceeding with the rule. And again, want to thank
4 everybody for their participation.

5 MR. MADRAS: Thank you. Are there any
6 questions for Ms. Bridges? Seeing none, thank you.

7 MS. BRIDGES: Thank you.

8 MR. MADRAS: Is there anyone else who
9 wishes to testify on any of the rules? Seeing none,
10 we'll proceed. The Department will continue to accept
11 written comments on the proposed rule changes until
12 5:00 p.m. on November 18th, 2015. Please submit your
13 written comments to Summer Young, Geological Survey
14 Program, Missouri Department of Natural Resources, PO
15 Box 176, Jefferson City, Missouri 65102. On behalf of
16 the council, I thank everyone who has participated in
17 this process. Our hearing is closed. Thank you.

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19 (Ending time of the hearing: 10:17 a.m.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI)
) ss.
COUNTY OF FRANKLIN)

I, Sarah J. Pokorski, Certified Court Reporter within and for the State of Missouri, do hereby certify that the hearing which appears in the foregoing transcript was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Sarah Pokorski

Sarah Pokorski, CCR 745

<p>A</p> <p>a.m 5:8 14:19</p> <p>Abandonment 7:19</p> <p>ability 15:10</p> <p>accept 9:6 14:10</p> <p>action 15:12,16</p> <p>Actions 7:10</p> <p>added 13:1</p> <p>address 13:1</p> <p>administer 10:23</p> <p>Administrative 13:18</p> <p>advances 12:17</p> <p>advisory 10:9 10:15</p> <p>afternoon 3:9</p> <p>AGE 9:11</p> <p>agenda 7:2</p> <p>AGREED 5:1</p> <p>agreement 11:21</p> <p>ahead 5:10</p> <p>amendments 7:6 8:9,25 11:23 12:2</p> <p>amounts 11:12</p> <p>analyzed 11:8</p> <p>Annex 3:11</p> <p>Appeal 7:11</p> <p>appears 15:8</p> <p>Application 7:13 8:3,4,6</p> <p>applies 8:15</p> <p>approval 11:17</p> <p>approved 11:24</p> <p>arrive 12:8</p> <p>asks 8:11</p> <p>assembly 10:19 13:5</p> <p>Assessment 7:11</p> <p>Association 5:18</p> <p>attendance 6:12</p>	<p>8:18</p> <p>attended 10:17</p> <p>attorney 6:9 15:14</p> <p>August 10:20</p> <p>authority 10:24</p> <p>Authorization 8:3,4,6</p> <hr/> <p style="text-align: center;">B</p> <p>background 10:18</p> <p>Baughman 6:22 6:22</p> <p>began 10:8 13:8</p> <p>beginning 10:8 10:11</p> <p>behalf 14:15</p> <p>best 15:9</p> <p>big 12:22</p> <p>Bill 4:7 5:23,24 6:1 10:20</p> <p>binders 9:18</p> <p>Bleakley 4:6 5:17,17</p> <p>bonding 12:12</p> <p>Bonds 7:13</p> <p>Borgmeyer 4:5 5:19,19</p> <p>Box 14:15</p> <p>Bridges 4:9 6:7 6:7 9:10,16,21 14:6,7</p> <p>brief 8:12</p> <p>Brook 4:10 6:9</p> <p>budget 11:7</p> <p>Building 3:11</p> <hr/> <p style="text-align: center;">C</p> <p>C 4:1</p> <p>calculating 12:15</p> <p>card 8:19</p> <p>Carey 4:9 6:7 9:10,21</p> <p>cause 3:14</p> <p>CCR 4:15,16</p>	<p>5:3 15:18</p> <p>certain 3:14</p> <p>CERTIFICA... 15:1</p> <p>Certified 3:12 5:3 15:6</p> <p>certify 15:8</p> <p>Chairman 4:3 9:16</p> <p>changes 11:16 12:22 14:11</p> <p>Chapter 10:23</p> <p>Chris 6:18</p> <p>City 14:15</p> <p>clarifications 12:24</p> <p>clarifying 12:19</p> <p>Clean 5:15</p> <p>clearly 8:20</p> <p>closed 14:17</p> <p>closing 13:9</p> <p>code 13:24,24</p> <p>coincides 13:7</p> <p>collaborative 10:3</p> <p>come 8:19</p> <p>comment 8:9,15 8:17 9:1 13:7 13:8,10</p> <p>comments 7:4 8:24 13:11 14:11,13</p> <p>Commission 5:15,20</p> <p>committee 10:9 10:15 13:18</p> <p>complete 8:19</p> <p>completed 11:18</p> <p>Completion 7:15,16</p> <p>Connie 4:10 6:5</p> <p>considered 11:9</p> <p>continue 14:10</p> <p>copy 9:19 12:6</p> <p>Costs 7:12</p>	<p>council 1:5 3:4 4:4 5:13 6:6 7:5 8:11,15 9:2,5,17 11:1 11:16,22,25 12:25 13:12 14:16</p> <p>counsel 15:11 15:14</p> <p>Counsel's 6:16</p> <p>COUNTY 15:4</p> <p>court 3:12 4:15 5:3 8:22 9:6 15:6</p> <p>CSR 7:8,8,9,10 7:11,12,12,13 7:14,15,16,18 7:19,19,20,21 7:22,23,24,25 8:1,2,4,5 12:2</p> <p>currently 12:21</p> <hr/> <p style="text-align: center;">D</p> <p>David 4:6 5:17</p> <p>day 3:9</p> <p>deadline 13:17</p> <p>debate 8:11</p> <p>December 13:16</p> <p>decide 9:5</p> <p>Deepen 7:14</p> <p>definitions 7:10 13:1</p> <p>Department 1:1 3:1,10,15 5:22 6:2,4 8:16,23 9:15,23 10:8 11:6 13:10 14:10,14</p> <p>Department's 9:3,6</p> <p>DESCRIPTI... 2:3</p> <p>details 12:5</p> <p>develop 10:9 11:1</p> <p>development</p>	<p>6:2 11:9</p> <p>difference 11:11</p> <p>different 11:10 11:11</p> <p>direct 9:17</p> <p>direction 15:11</p> <p>director 6:7 9:21</p> <p>discuss 11:5</p> <p>discussed 11:10</p> <p>discussions 9:25 12:8</p> <p>Disposal 7:21</p> <p>Don 6:16</p> <p>draft 10:10</p> <p>drill 7:14 12:23</p> <p>Drilling 7:15</p> <p>DULY 9:11</p> <p>duties 12:24,25</p> <hr/> <p style="text-align: center;">E</p> <p>E 4:1,1</p> <p>easier 10:6</p> <p>Economic 6:2</p> <p>Edwards 4:10 6:5,5</p> <p>effective 10:20 13:25 14:1</p> <p>effort 10:3 11:2</p> <p>eight 3:8</p> <p>Eleventh 4:17</p> <p>employed 15:12 15:15</p> <p>employee 15:14</p> <p>encourage 11:14</p> <p>ends 9:1 13:9</p> <p>enforcement 7:10 12:16</p> <p>Enhanced 7:22 8:2,5</p> <p>enumerated 12:4</p> <p>establish 10:2 10:25</p> <p>establishes</p>
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