



New Mexico Environment Department Produced Water Act Implementation Update

Rebecca Roose, Water Protection Division Director

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Water and Natural Resources Interim Committee





NMED and the Produced Water Act

- HB 546, which includes the Produced Water Act, amended the Water Quality Act and gives NMED jurisdiction over treatment and use of produced water for purposes *outside* the oil and gas sector.
- Requires NMED to draft regulations to present before the Water Quality Control Commission (WQCC) that address the “discharge, handling, transport, storage, and recycling or treatment of produced water or byproduct thereof outside the oilfield.”



Produced Water and Water Quality Act

- In adopting regulations, the Water Quality Act **requires** the WQCC to consider:
 - ▣ **Character and degree** of injury to or interference with health, welfare, environment and property;
 - ▣ **Public interest**, including the social and economic value of the sources of water contaminants;
 - ▣ **Technical practicability and economic reasonableness** of reducing or eliminating water contaminants from the sources involved and previous experience with equipment and methods available to control the water contaminants involved;
 - ▣ **Successive uses**, including domestic, commercial, industrial, pastoral, agricultural, wildlife and recreational uses;
 - ▣ **Feasibility** of a user or a subsequent user treating the water before a subsequent use;
 - ▣ **Property rights and accustomed uses**; and
 - ▣ **Federal water quality requirements.**



NMED Rulemaking Efforts

NMED has identified two phases for produced water regulations:

- Phase 1: Near-term narrow rulemaking to prohibit untreated produced water use outside of the oil and natural gas industry (e.g., other industries, agriculture, road construction) and increase information available to NMED about the chemical constituents in produced water.
 - Timeline: 2020-2021.
- Phase 2: Over time and as the science dictates, develop rules for the “discharge, handling, transport, storage, and recycling or treatment of produced water or byproduct thereof outside the oilfield.”
 - Timeline: TBD based on results of ongoing research.



Other NMED Implementation Activities

Public engagement and targeted tribal outreach

- ❑ Started in October 2019 and continued through March 2020
- ❑ FAQs posted January 2020 (available at <https://www.env.nm.gov/new-mexico-produced-water/faq-page/>)
- ❑ Summary of Initial Public Input (available at <https://www.env.nm.gov/new-mexico-produced-water>)

Investing in science and innovation

- ❑ MOU with New Mexico State University launched the **New Mexico Produced Water Research Consortium** to fill science and technology gaps for off-field reuse of treated produced water (details available at <https://nmpwrc.nmsu.edu/>)



NMED Partnership with NMSU

Examples of NMED's research questions related to filling the science and technology gaps:

- ❑ What contaminants are in the produced water generated in NM?
- ❑ How can the produced water be treated to be safe?
- ❑ What changes are needed to our state water quality standards to protect water resources and human health?



For More Information

- NMED contacts for treatment of produced water for off-field use:
 - Rebecca Roose, Water Protection Division Director,
Rebecca.Roose@state.nm.us
 - Michelle Hunter, Ground Water Quality Bureau Chief,
Michelle.hunter@state.nm.us
 - Shelly Lemon, Surface Water Quality Bureau Chief,
Shelly.lemon@state.nm.us
 - Annie Maxfield, Assistant General Counsel,
Annie.Maxfield@state.nm.us