



New Mexico Environment Department

Produced Water Issues Outside the Oilfield
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Radioactive and Hazardous Materials Committee
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NMED and the Produced Water Act

- In 2019, House Bill 546 amended the Water Quality Act and gives NMED jurisdiction over treatment and use of produced water for purposes *outside* the oil and gas sector.

- In addition, HB 546:
 - Removes barriers to recycling of produced water by the oil and gas sector, thereby incentivizing a shift away from freshwater for fracking;
 - Requires a person to obtain a permit from the department of environment before using the produced water, the recycled or treated water or treated product or any byproduct of the produced water for any purpose outside the oilfield; and
 - Requires the Water Quality Control Commission (WQCC) to adopt regulations for NMED to implement that address the “discharge, handling, transport, storage, and recycling or treatment” of produced water or byproduct thereof outside the oilfield.



Partnership with NMSU

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/>).
- Examples of NMED's broad research questions:
 - What contaminants are in the produced water generated in NM?
 - How can the produced water be treated to be safe for other uses?
 - What changes are needed to our state water quality standards to protect water resources and human health?
- NMED will look to results of Consortium efforts to inform future science-based regulations for treatment and reuse of produced water while protecting our most precious natural resource: fresh water.



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.**



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.
- **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.”
- NMED will conduct public outreach to gather input prior to submitting a rulemaking petition to the WQCC.

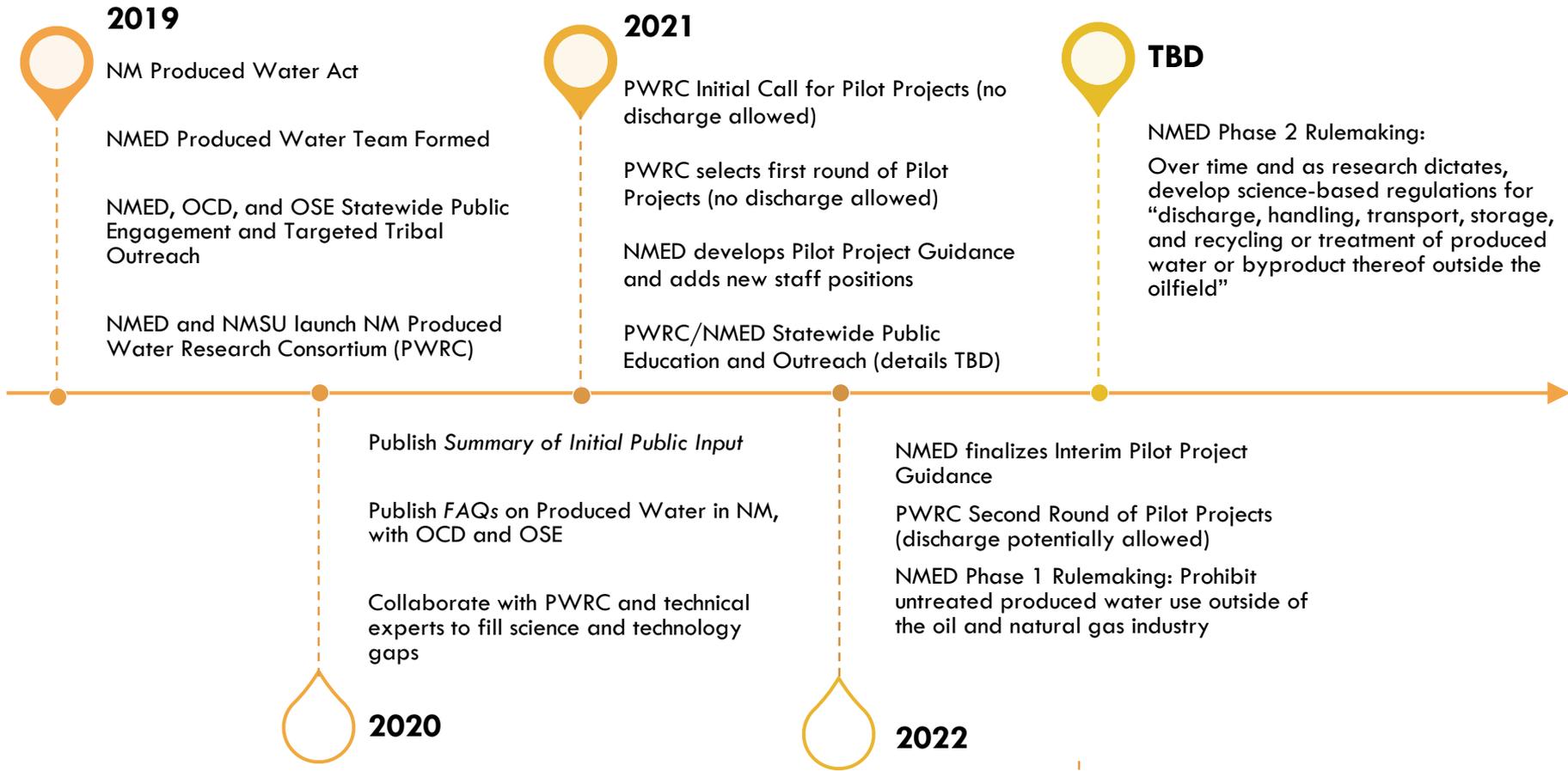


Supporting Consortium Research

- Balancing research to fill critical science and technology gaps with ongoing protection of the environment and public health
- No discharges of produced water associated with NM Produced Water Research Consortium pilot projects during CY2021
 - Memo available at <https://www.env.nm.gov/new-mexico-produced-water/nmsu-mou/>
- NMED is developing guidance for permit writers and future pilot project participants (post-2021) on getting permit coverage for research involving discharge, such as land application in a research plot, under current groundwater protection regulations.



NMED Produced Water Timeline



<https://www.env.nm.gov/new-mexico-produced-water>
<https://nmpwrc.nmsu.edu/>

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