



Melissa Troutman

CLIMATE & HEALTH ADVOCATE

WildEarth Guardians

A FORCE FOR NATURE

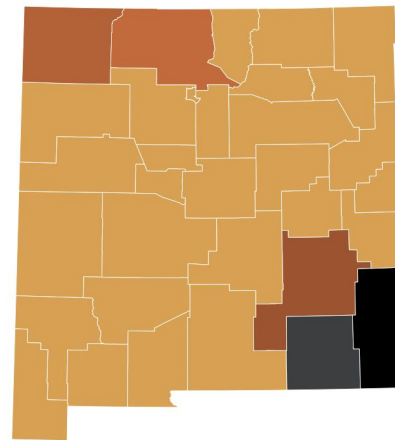
WildEarth Guardians protects and restores the wildlife, wild places, wild rivers, and health of the American West.

Eyes on Spills:

Clean-up and Liability

September 11, 2026

THE 2025 NEW MEXICO SPILL REPORT

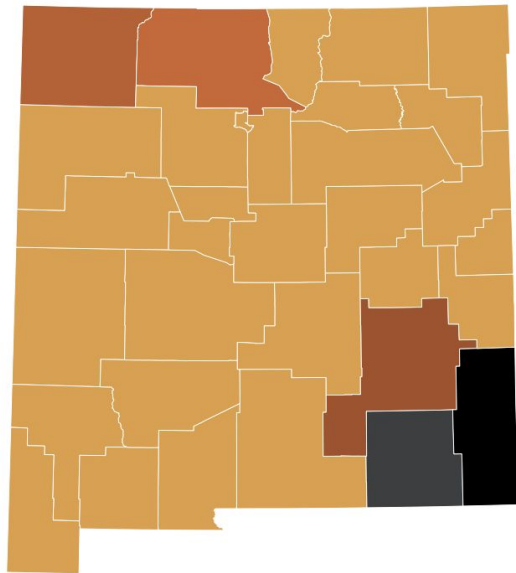


**Land,
Air, &
Water
Pollution
from Oil & Gas**



- Despite chronic pollution by repeat offenders, penalties are not being issued for recurring spills by repeat offenders
- Public lands are the most impacted
- “Produced water” reuse facilities are driving larger, more damaging spills
- “Produced water” is the most common liquid spilled & polluting land, water

What is Produced Water Pollution?



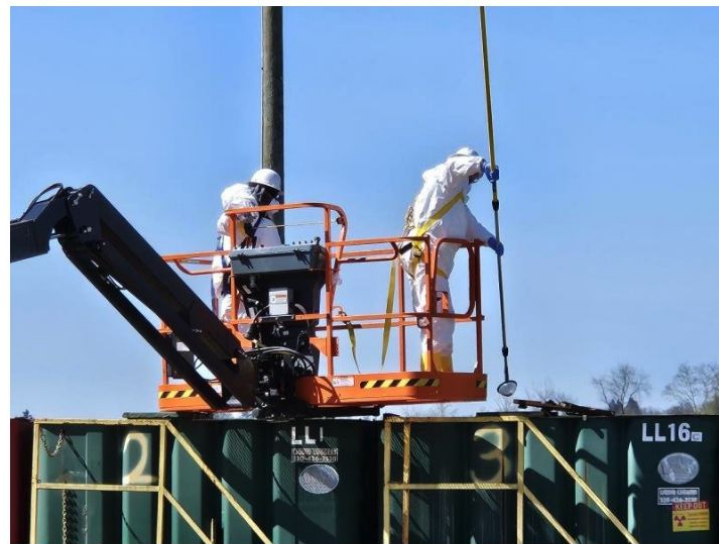
In addition to salts, heavy metals, hydrocarbons, and radioactive materials, produced water can also contain over 1,400 different chemicals – including PFAS, known chemicals with no toxicity data, and undisclosed “trade secret” chemicals.

As of Sept. 8th, 2026, industry has reported that over 1.9 million gallons of produced water has polluted the state this year. Over half of that pollution occurs on public and tribal lands.

Produced Water Exposures

U.S. EPA clean up (2023-present) of a produced water treatment facility in West Virginia – Fairmont Brine by Clearwater LLC – after company folded and workers became ill. So far:

- Over 1,000 tons of radioactive solids
- Over 72,000 gallons of radioactive liquids
- Over 46,000 gallons of hazardous liquids
- Contributed \$3.1 million in federal (taxpayer) funding to eliminate risks (Total cost is higher.)



Workers collect samples from frac tanks at the Fairmont Brine Site, April 2025.
(EPA)

U.S. EPA: [EPA and Partners Reach Major Emergency Response Milestone at Fairmont Brine Site \(August 11, 2026\)](#)

Produced Water Exposures

New charges filed against defunct Pa. firm that processed fracking waste from gas wells

Published: Aug. 04, 2026, 8:52 p.m.

By [John Beauge](#) | [Special to PennLive](#)

WILLIAMSPORT — New criminal charges have been filed against the defunct company that allowed wastewater from gas well fracking operations to flow from a Williamsport facility, some of which reached the Susquehanna River.



DEP orders Eureka Resources to remove waste after Susquehanna spill

Williamsport, Pa. — The Pennsylvania Department of Environmental Protection (DEP) has issued an administrative order against Eureka Resources.

Loopholes: Clean-up and Liability

HAZARDOUS WASTE

Spill-contaminated materials end up as waste, and some contain hazardous materials. But the oil and gas industry is exempt from hazardous waste law. New Mexico defers to federal hazardous waste law – the Resource Conservation & Recovery Act (RCRA) – which exempts oil and gas drilling and fracking waste.

States have the authority to pass more stringent regulations.

RADIOACTIVITY

Produced water is exempt from New Mexico “Radiation Protection” rules when reinjected into disposal wells or “stored or disposed of” in surface impoundments. NMAC 20.3.14.1403(E)

PFAS CONTAMINATION

The oil and gas industry has used at least 9,000 lbs of PFAS and 243 million pounds of “trade secret” chemicals that could include PFAS. PFAS can be present in any spill where PFAS is used. OCC prohibited PFAS in fracking operations in 2025 but not other downhole operations. ***OCC has the authority to prohibit all PFAS use in oil and gas operations.***

Produced Water Liability

HB 49 - TX (passed)

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★THE TEXAS TRIBUNE

Q

Oil companies win protections from Texas Legislature ahead of selling fracking water

At least four companies say they are prepared to treat the water well enough to be released into rivers in West Texas. Environmental groups say the state is moving too fast.

BY CARLOS NOGUERAS RAMOS

MAY 28, 2025, 12:14 P.M. CENTRAL UPDATED MAY 28, 2025, 12:14 P.M. CENTRAL

REPUBLICSHARE



HB 326 - NM (introduced)

1	HOUSE BILL 326
2	57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026
3	INTRODUCED BY
4	Debra M. Sariñana
5	
6	
7	
8	
9	
10	AN ACT
11	RELATING TO PRODUCED WATER; REQUIRING THE OWNER OR OPERATOR OF
12	A PRODUCED WATER FACILITY SEEKING AUTHORIZATION FOR THE
13	TREATMENT, REUSE, DISCHARGE OR TRANSPORT OF PRODUCED WATER TO
14	ACQUIRE INSURANCE; PROVIDING FOR JOINT AND SEVERAL LIABILITY.
15	

Liabilities —> Solutions

HAZARDOUS CONTAMINANTS

Problem: Industry exemption.

Solution: Remove the exemption.

RADIOACTIVE CONTAMINANTS

Problem: Industry exemption.

Solution: Remove the exemption.

PFAS CONTAMINANTS

Problem: PFAS use permitted downhole.

Solution: Prohibit in all downhole operations.

(HB222, 1st Session 2025, Andrea Romero and Jeff Steinborn and G. Andrés Romero)

UNKNOWN CHEMICAL CONTAMINANTS

Problem: Unknown pollutants / risks.

Solution: Prohibit undisclosed chemicals.

(HB222, 1st Session 2025, Andrea Romero and Jeff Steinborn and G. Andrés Romero)

HOW TO STOP SPILL POLLUTION

1. Enforce civil penalties consistently and transparently

The Oil Conservation Division should assess civil penalties for recurring spill violations, with penalty amounts reflecting the severity, duration, and environmental harm of each incident. Enforcement outcomes should be publicly reported and linked to specific spill events, allowing the public to evaluate deterrence and compliance.

2. Require mandatory penalties for illegal liquid spills

Liquid oil and gas spills have been illegal in New Mexico since 2021. Penalties for these violations should be mandatory, not discretionary, particularly where spills involve produced water, crude oil, or chemicals that contaminate land or water.

3. Impose permit consequences for chronic polluters

Operators with repeated spill violations should face permit suspensions, denials of permit renewals, or increased bonding requirements. Allowing chronic violators to continue expanding operations without consequence undermines spill prevention and rewards noncompliance.

4. Require full chemical disclosure and end trade secret exemptions

All chemicals used or released during oil and gas operations must be fully disclosed to regulators, emergency responders, and the public to enable meaningful risk assessment and spill response. Trade secret claims should not shield hazardous substances from disclosure or accountability when public health and environmental safety are at stake.

5. Ban PFAS in all oil and gas operations to protect public health

PFAS and other “forever chemicals” used in oil and gas operations pose serious health risks, including cancer, immune system damage, and developmental harm, and persist in the environment long after release. New Mexico should prohibit the use of PFAS in oil and gas drilling, fracking, and waste handling to prevent irreversible contamination of land, water, and communities.

6. Close loopholes that inhibit full cleanup

The use of alternative abatement standards should be strictly limited. Cleanup standards must prioritize complete remediation, not long-term contamination management framed as technical infeasibility. Removing the hazardous waste exemption for oil and gas materials will increase remediation standards and clean up oversight.

7. Strengthen spill prevention and reporting rules

OCD should update rules to require greater spill prevention measures, such as improved monitoring for most common spill causes, and accessible reporting of all spill information to the public. Data gaps, including the “unknown” or “blank” categories in the spill data, make it impossible to assess risk for specific demographics.

8. Accelerate cleanup of inactive and orphaned wells

Legacy infrastructure remains a major source of spills and leaks. The state should expedite plugging and remediation of inactive and orphaned wells and update rules to require operators to post sufficient financial assurance to prevent future abandonment.

9. Prevent reuse of oil and gas waste off the oilfield

New Mexico should prohibit the reuse of treated or untreated “produced water” outside of oil and gas activities. Moving this waste off the oilfield would create additional pathways for spills, leaks, contamination, and other accidents to occur.

10. Pause new permitting until spill pollution declines

The state should pause approval of new drilling permits until spill pollution demonstrably declines and enforcement capacity matches the scale of oil and gas activity. Expansion without accountability will only compound existing harm.

THERE ARE SOLUTIONS

- Enforce the law with tangible consequences vs. sending repeated warnings
- De-privilege chronic polluters vs. granting them renewals and new approvals
- Permit less produce water until the state has the resources to properly enforce the law.



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