



New Mexico Environment Department

Produced Water: Rule Making Process and Status

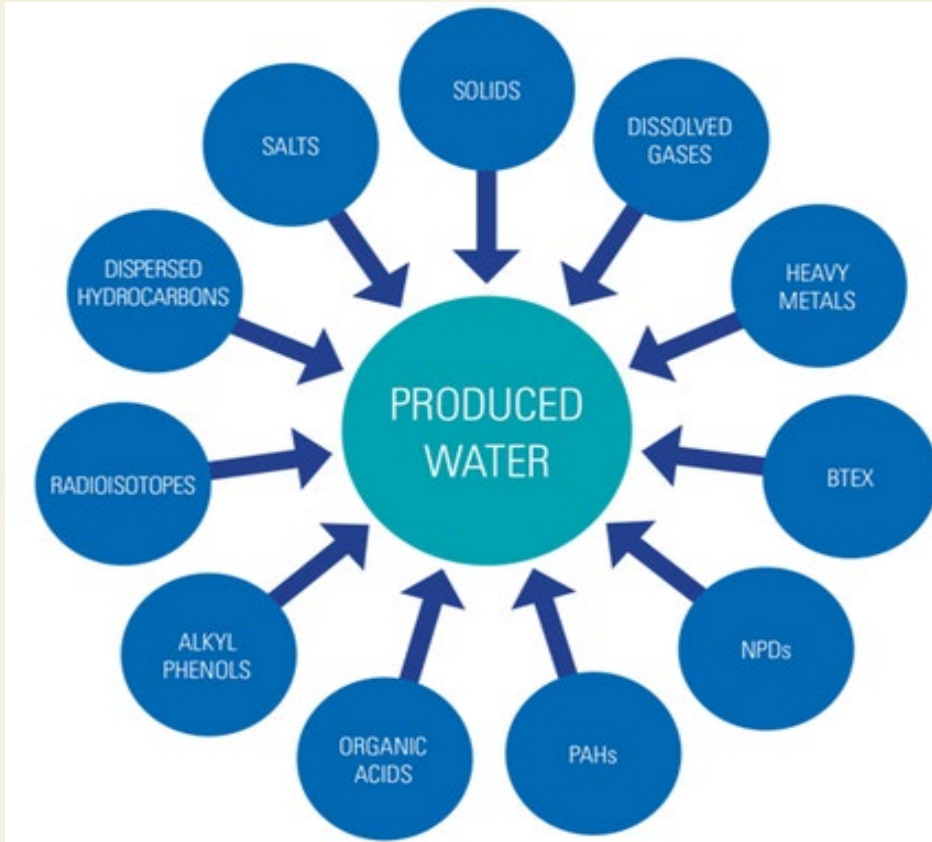
Water and Natural Resources Committee Presentation

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Produced Water Basics



20.6.8 (P)(5) NMAC defines produced water as “fluid that is an incidental byproduct from drilling for or production of oil and gas.”

Common Constituents

- ***Salts***
- ***Oil residues***
- ***Sand/mud***
- ***Metals***
- ***Carbon-based compounds such as solvents, surfactants, acids, and waxes***
- ***Naturally occurring radioactive materials***
- ***Bacteria***



Potential Uses for Treated Produced Water

- Industrial uses including alternative energy production, hydraulic cement concrete manufacturing, cooling water, manufacturing or refinery process water, process/boiler feeds, utility power plants, chemical plants, and metal working facilities.
- Mixing water used in the production of hydraulic cement concrete.
- Closed-loop geothermal projects.
- Hydrogen production.
- Uses in construction, including road construction and maintenance, and roadway ice or dust control.
- Irrigation of industrial crops.
- Surface water discharges of treated produced water may be used for “beneficial” or designated uses depending on the receiving water’s classification in 20.6.4 NMAC. (Proposed rule change)



2025 Reuse Rule 20.6.8 NMAC

- Phase 1 rulemaking in front of the Water Quality Control Commission (WQCC) completed Spring 2025, effective July 12, 2025.
- No untreated or treated produced water may be discharged to New Mexico's surface water or groundwater.
- Authorized a permitting process for treated produced water treatment pilot projects – with no discharge.
- Rules in effect for five years before expiring.



Proposed Revisions to 20.6.8 NMAC

- Proposes four classes of Treated Produced Water Discharge Permits:
 - ▣ Class A - For non-discharging uses of treated produced water.
 - ▣ Class B - For discharges of treated produced water to groundwater.
 - ▣ Class C - For discharges of treated produced water to surface water.
 - ▣ Class D - For use of treated produced water. (End user permits)
- Proposed to limit the scope and applicability of the provision of 20.6.8 NMAC to counties that current have produced water including, Chavez, Colfax, Doña Ana, Eddy, Harding, Lea, McKinley, Otero, Rio Arriba, Roosevelt, San Juan, Sandoval and Union Counties. The discharge or use of produced or treated produced water is prohibited in all other New Mexico counties.



NMED's Position on the Proposed Revisions to 20.6.8 NMAC

- NMED has urged the Water Quality Control Commission to schedule the petition for a future rulemaking hearing.
- NMED believes that a hearing is the appropriate venue for the Commission to receive current scientific evidence from the State of New Mexico and New Mexico State University's designated experts.
- NMED believes that the proposed petition seeks to create the statutorily required regulatory pathway defined in the Produced Water Act.
- NMED has consistently stated that any rule establishing a pathway for treated produced water reuse must include:
 - Full characterization of source water,
 - numeric standards and limits for all contaminants,
 - a clear and protective implementation schedule for permits,
 - explicit linkage to applicable cleanup and abatement requirements,
 - clearly defined feasibility study requirements,
 - and a robust fee structure to hire the new staff necessary to implement the proposed rules.