



# New Mexico Environment Department

## Update on Reuse Rulemaking/ Produced Water Radioactive and Hazardous Materials Committee

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# # Augmentation not Replacement

Reuse, in any form, is meant to augment existing fresh water sources and reduce the strain on those fresh water sources.



# Status of Water Reuse Regulation Development

- WQCC hearing began on 5/13/2024 and concluded testimony on 8/12/2024.
- Closing remarks, findings of facts, conclusions of law due to hearing officer by 10/18/2024.



# Status of Water Reuse Regulation Development

- Hearing officer's report to WQCC approximately 30 days later – November 2024
- WQCC will deliberate and make determination.
- Final determination from WQCC may be received in early December of 2024.



# Status of Water Reuse Regulation Development

- Once WQCC renders a decision, NMED publishes the final rule language to the Sunshine Portal and submits to State Records.
- 30 day waiting period following publication before rule becomes official.
- If an appeal is filed in State Appeals Court, rule could be stayed during appeal process.



# Status of Water Reuse Regulation Development

- The draft regulation creates a new section in 20.6 NMAC titled Part 8 – Ground and Surface Water Protection – Supplemental Requirements for Water Reuse.
- This section will house reuse requirements for:
  - ▣ Direct and Indirect Potable Reuse.
  - ▣ Reclaimed Wastewater.
  - ▣ Industrial Graywater.
  - ▣ Produced Water (Outside OCD jurisdiction)
  - ▣ Desalination.



# Phase II Reuse Rulemaking

NMED staff continue work on second round of reuse rulemaking that includes:

Direct and Indirect Potable Reuse

Expanded Reclaimed Wastewater reuse

Industrial gray water reuse

Brackish water desalination.

Timeline dependent on outcome of first phase rulemaking. Second round anticipated to take place in late summer or fall of 2025.



# Impact of Produced Water on Rulemaking

- Bulk of testimony and contention centered on portion of rule on reuse of treated produced water.
- House Bill 546, 2019 Regular Session
- Requires Water Quality Control Commission (WQCC) to adopt regulations to address: “discharge, handling, transport, storage, and recycling or treatment of produced water or by-product thereof outside the oilfield”





# NMED Implementation

- ❑ Public engagement
- ❑ National lead for technology development and validation for off-field use of produced water reuse
- ❑ MOU with New Mexico State University
  - ❑ New Mexico Produced Water Research Consortium
  - ❑ NMED Chairs the Government Advisory Board
- ❑ Guidance, policy and rule development

Draft rule authorizes uses of treated produced water outside the oil and gas sector in closed loop, non-discharging applications only.

Allows for bench scale, pilot, and demonstration closed loop, non-discharging projects.



# Research Efforts

- ❑ Support future rulemaking based on sound science
- ❑ Bench scale and pilot scale projects designed to fill the science and technical gaps related to contaminant analysis and removal and possible end uses of treated produced water
- ❑ Projects involving discharge of produced water or treated produced water to the ground are prohibited



# Questions?

