



**Charter for the Government Advisory Board  
of the New Mexico Produced Water Research Consortium  
Adopted March 24, 2020**

**1. Background:**

The New Mexico Environment Department (“*NMED*”) and the Regents of New Mexico State University (“*NMSU*”) entered into a Memorandum of Understanding (MOU 20 667 12200003, dated September 9, 2019) to create the NM Produced Water Research Consortium (“*NMPWRC*”), administered by NMSU to support NMED’s implementation of New Mexico House Bill 546, the Produced Water Act, which was enacted in 2019. This law directs the Water Quality Control Commission to adopt regulations to be administered by NMED for the discharge, handling, transport, storage, and recycling or treatment of produced water or byproduct thereof outside the oilfield. The NMPWRC is organized to develop and implement a research framework to fill scientific and technical knowledge gaps surrounding the treatment and reuse of produced water for purposes outside of the oil and gas industry. An individual employed or engaged otherwise by NMSU serves as the NMPWRC program director (the “*Director*”) and another NMSU employee serves as the NMPWRC research director.

**2. Participating Government Entities:**

NMSU invited the following governmental entities (“*Agencies*”) to appoint a representative to the NMPWRC Government Advisory Board (“*Board*”):

- New Mexico Water Resources Research Institute;
- NMED;
- NM Energy, Minerals and Natural Resources Department;
- NM Department of Agriculture;
- NM Office of the State Engineer;
- NM State Land Office;
- NM Department of Health;
- NM Department of Economic Development;
- NM Indian Affairs Department;
- NM Department of Game and Fish;
- US Environmental Protection Agency;
- US Department of Energy;
- US Bureau of Land Management;
- US Bureau of Reclamation;
- Oklahoma Department of Environmental Quality; and
- Texas Railroad Commission.

Each appointed representative (“*Representative*”) should be a senior-level Agency official with responsibilities related to research, policy, regulations, collaboration or other governmental agency responsibilities on topics such as environmental protection, public health protection, natural resources management, the oil and gas industry and/or water treatment. Agencies will select Representatives who have the availability to participate in the Board activities described in this Charter, including occasional

travel. Agencies must convey initial and modified appointments to NMSU in writing, including the appointed representative's name, title, affiliation, phone number and email address and the same for the Agency's alternative, if provided. The Director will maintain records of all Board appointment letters and email messages.

NMSU and the Director have the discretion to invite other governmental entities to participate in the Board based on the ongoing activities of the NMPWRC and/or in response to recommendations from the Board.

**3. Board Authority; Duties:**

The Government Advisory Board (Board) operates in the public interest to provide independent advice to the Director regarding (1) *NMPWRC administration*, (2) *protocols and criteria for Technical Steering Committee activities*, and (3) *research priorities* to ensure efforts are aligned with NMPWRC purpose and goals and to ensure NMPWRC outcomes adhere to core principles of scientific integrity, as outlined at <https://nmpwrc.nmsu.edu/scientific-integrity/>.

Each year, the Board reports a summary of activities to the Director.

**4. Coordination with Director:**

The Director will make timely requests for the Board's advice on NMPWRC activities related to the section 3 of this Charter. The Director will give the Board ample time to review and comment on documents and otherwise respond to the Director's request, taking into consideration the Board's meeting schedule and full work portfolios of all Board members. The Director will not proceed with decisions about NMPWRC administration, protocols and criteria for Technical Steering Committee activities and research priorities without first seeking and receiving advice of the Board.

The Director will coordinate with NMSU to provide logistical support for Board meetings, including scheduling, file sharing, venue reservations and webinar connections. The Director will participate in Board meetings as requested by the Board.

The Board will submit applicable recommendations, reports and advice to the Director. The Board will make every effort to meet deadlines established by the Director and clearly communicate when an extension is required to provide the requested advice.

To ensure regular and effective communication, the Board will ensure there is always one member identified as the Board's liaison with the Director.

**5. Funding Support; Participation Costs:**

NMSU is responsible for financial and administrative support to the Board, to the extent specified under the NMPWRC operating budget. Agency must bear any cost or expense that Representative incurs in connection with any Charter activity. NMPWRC may pay travel and *per diem* expenses when determined necessary and appropriate.

**6. Meetings:**

The Board will meet a minimum of two times per year in New Mexico (exact locations may vary), with additional in-person and web-based meetings as needed. Meetings may occur approximately once every two months or as needed. The Board will inform the Director about meetings and meeting agendas. Each

meeting is to proceed according to an agenda that is developed by the Board in coordination with the Director. Meeting agendas will be developed and approved by the Director in advance of each meeting. The Board may select a standing Chair or rotating Chairs to work with NMSU and the Director to plan meetings, develop agendas, facilitate meetings and prepare meeting summaries.

Generally, Board meetings are not subject to the Open Meetings Act. Unless directed by the Director, Board meetings will be closed to the public. Summaries of all meetings will be prepared and made available to the public no later than one month after the meeting date.

**8. Duration; Term Renewal:**

Representative's Board term is one year, beginning annually on January 1 or a later date if appointed during the calendar year. After this period, the term may be renewed upon mutual written concurrence between the Director and the Agency. An Agency may end the term of its Representative through written communication to the Director.

**9. Ad Hoc Sub-Committees:**

NMPWRC, the Director or the Board with Director's approval, may form any ad hoc sub-committee for any purpose consistent with this Charter. Any such ad hoc sub-committee will work in conjunction with the Board and must report its recommendations and advice to the Board for full deliberation and discussion. An ad hoc sub-committee has no authority to represent or speak on behalf of the Board or to report directly to NMPWRC or the Director.

Ad hoc sub-committees can include members who are not members of the Board and from governmental entities that are not represented on the Board, such as local governments, tribal governments and state government commissions.

Upon invitation by the Board or the Director, after consultation with the Board, ad hoc sub-committee members may participate in Board meetings.

**11. Recordkeeping and disclosure:**

NMSU will track and maintain records created by the Board under this Charter.

Each record of the Board, ad hoc sub-committee, or any other subgroup of the Board is to be handled according to any NMSU-approved agency records disposition schedule. To the extent required under applicable law, records will be made available for public inspection and copying.

Although the NMPWRC's purposes include exercising care concerning information that the Board creates or obtains in connection with NMPWRC, nothing in this Charter supersedes any requirement under applicable public information disclosure law or valid court order to disclose that information.