



# New Mexico Environment Department

**Permitting for Treated Produced Water Pilot Projects**

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## Pilot Project Guidance Purpose

NMED is developing a guidance document to assist project proponents in meeting all NMED regulatory requirements during implementation of produced water research pilot projects.

The results of these research efforts will fill scientific gaps and inform the development of regulations for managing produced water reuse outside of the oil and gas sector.



# PW Regulatory Authority in NM

- Under the Oil and Gas Act, the Energy, Minerals, and Natural Resources Department (EMNRD) Oil Conservation Division (OCD) regulates the handling and disposal of produced water *within* the oil and gas field
  - Includes underground injection control (UIC) wells for produced water disposal, reuse through enhanced recovery operations and recycling, and reuse in oil and gas drilling operations
  
- 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 field
  - 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 oil and gas field



# Pilot Project Process Overview

- Treated produced water pilot projects will follow the same process as proposed discharges in NM
- NMED recognizes treated produced water as effluent from a treatment works
- Regulatory authority to permit discharges of effluent can be found at 20.6.2.1201, and 20.6.2.3000 through 20.6.2.3999 NMAC
- All treated produced water pilot projects involving discharge outside the oil and gas sector must comply with existing water quality standards



# NMED Permitting Process

- Submit Notice of Intent (NOI) to NMED for review
- NMED may request additional information
- NMED and NOI submitter may communicate regarding changes to the submission
- NMED responds with one of two determinations per 20.6.2.1201.D NMAC
  - Discharge permit not required
  - Discharge permit required
- If a discharge permit is required, the project proponent must submit an application to NMED



# NMED Permitting Process

- ❑ Incomplete applications result in delays
- ❑ Permit applicants must complete all required public notice processes
- ❑ Standard permitting process without a public hearing takes 6 to 8 months
- ❑ Controversial or high public interest permit processes include a potential for a public hearing and can take significantly longer
- ❑ NMED guidance for produced water pilot project permits anticipated by Spring 2022
- ❑ Preferred path for produced water pilot projects is non discharging