

DEFEND NM WATER FRACKING WASTE REUSE RULE TALKING POINTS FOR MAY 13TH. [Sign up here!](#)

1. We need a rule, but not this rule.

- **Yes, we do need a rule prohibiting discharge to ground and surface water¹, but this current rule is unscientific, overly broad, and leaves the decision about what constitutes “appropriate treatment” entirely up to industry.**
- We need a rule that ***not only*** prohibits discharge of untreated or treated produced water into ground/surface water, ***but also prohibits all produced water reuse off the oil field.***
- By allowing widespread reuse via undefined and unsafe **demonstration and industrial projects** with no scientific standards for protection - ***this rule endangers our health, water & workers.***

2. The Commission should instead approve a clear rule that states:

“No person shall discharge, dispose of, or reuse treated or untreated produced water off of the oil field. The department shall deny certification of any federal permit proposing to discharge, dispose of or reuse treated or untreated produced water off of the oil field.”

3. “Produced Water” is toxic, radioactive and poses serious risks to public health and the environment.

- **This is not just an experiment with our water, it’s an experiment on our health.** We know that oil and gas liquid waste contains PFAS,² elevated levels of radium, and organic compounds that have been proven carcinogenic. The risks to human health have been compiled in a 577 page Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking and Associated Gas and Oil Infrastructure, which summarizes hundreds of peer reviewed studies verifying those risks.³ We also know that this fracking waste can contain more than 1,100 chemicals, many of which are kept secret by the oil and gas industry, and that of the chemicals and compounds detected in fracking waste, just 14% have been adequately assessed for health impacts.⁴
- **Oil and gas waste water is radioactive** and can contain numerous radioactive compounds, including uranium, plutonium, radium, thorium, and polonium. Exposure to these radioactive compounds can cause bone, liver, and breast cancers.
- **Oil and gas wastewater has been known to have contaminants and heavy metals like arsenic and lead.** Contaminants like arsenic and lead can have associated health risks, including skin, lung, bladder, kidney and liver cancers & neurological disorders.
- **Oil and gas waste water can contain carcinogens like benzene, toluene, and xylene.** There is no safe level of exposure to benzene. Exposure to benzene can cause cancer and other diseases, harm bone marrow, and damage your immune system.

4. This rule is not just a No Discharge Rule, it’s also a Produced Water Reuse Rule, and it authorizes reuse with no science-based evidence or credible standards to ensure safety:

- **The rule authorizes reuse in industrial projects and demonstration projects off the oil field, which will lead to projects throughout the state without proper protections.** It authorizes the expansion of fracking oil and gas waste reuse.
- **The rule contains no minimum standards** for the treatment, handling, or disposal of the waste. That’s because standards to treat this toxic waste and make it safe don’t exist!

¹ The Water Quality Act - NMSA 1978 § 74-6-4K. Subsection E states that the WQCC “shall adopt, promulgate and publish regulations to prevent or abate water pollution in the state[.] ... Regulations may specify a standard of performance for new sources that reflects the greatest reduction in the concentration of water contaminants that the commission determines to be achievable through application of the best available demonstrated control technology, processes, operating methods or other alternatives, including where practicable a standard permitting no discharge of pollutants.”

² <https://psr.org/new-psr-report-reveals-oil-gas-companies-fracked-new-mexico-wells-with-pfas/>

³ <https://psr.org/fracking-compendium-8th-edition-now-available/>

⁴ <https://www.sciencedirect.com/science/article/pii/S0160412019319907>

- **There ARE NO scientifically proven standards for effective treatment.** No credible scientific data exists proving the **safety or feasibility of treatment** and reuse at the scale being proposed in the rule, because pilot projects *on* the oil field have failed to provide any credible evidence that they are safe.

5. This rule as written WILL lead to contamination through accidents, spills, and waste generation; workers at treatment plants are especially vulnerable.

- **Without further protections, contamination of our land and water is certain.** Produced water reuse for industrial projects and demonstration projects *off* the oil field authorized by this rule will result in the increased transportation and handling of produced water and increased likelihood of accidents and spills across the state. There are ALREADY an average of 4 toxic spills from oil and gas per day in New Mexico. The rule includes a provision on spills - to handle them the same way they are already being handled.
- **There is no evidence to support the claim that the regulatory agencies will be able to prevent spills.** Produced water spills have increased 16% in the last year as enforcement actions are virtually non-existent and wholly inadequate. New Mexico regulatory agencies have failed to protect New Mexicans and the environment from contamination.
- **No sufficient safeguards or disclosure requirements to protect workers.** The rule authorizes the reuse of treated produced water demonstration projects and industrial projects, but provides no sufficient safeguards or disclosure requirements for workers or communities where these projects will be located. The authorized demonstration projects and industrial projects contemplated by this Reuse Rule include but are not limited to “hydrogen production, cooling water, process/boiler feeds, utility power plants, chemical plants, and metal working facilities.” That means that workers will be exposed to “treated” produced water that could poison them.
- **Produced Water is hazardous waste.** NMED should designate liquid oil and gas industry waste as hazardous waste and regulate it accordingly. NMED should require the disclosure of ALL chemicals in the fracking process. Oil and Gas Waste is NOT water. Domestic water quality standards typically require testing for 90 constituents, but fracking waste contains 1,100 chemical constituents; Domestic water quality standards are insufficient to protect public health and the environment when they are applied to “treated produced water.” NMED, NMOGA and the Produced Water Research Consortium should stop trying to confuse people by conflating reuse of municipal wastewater with reuse of fracking waste.
- **When the produced water is “treated” the remaining waste product is a highly concentrated brew of contaminants that will need to be disposed of.** Currently that waste is disposed of in oil and gas waste facilities throughout the state. Those waste facilities also have the potential to contaminate water.

6. Water is life. El Agua es Vida! Water is sacred and must be protected!

- **Once our water is contaminated there is no going back.** In other states where produced water is discharged or reused for various purposes, water quality has been severely compromised. Wyoming environmental regulators reported that several sections of streams where produced water is discharged are polluted to the point they no longer support aquatic life.⁵ In Pennsylvania, where they formally allowed treated produced water to be directly discharged into streams and rivers, scientists found radium levels 200 times higher downstream from a treatment plant.⁶ Remediation of contaminated land and water is an expensive and difficult proposition.
- **We depend on clean water - we cannot accept risky experiments that threaten our water.** Our families, culture, traditions, farms and acequias, our homes, our gardens, our relatives, our entire economy - none of these can survive without clean water and good water planning and management.
- **Reuse of oil and gas waste off the oil field is not the answer to our decreasing water supplies.** 2022 New Mexico Water Task Force offered fifty recommendations⁷ to better protect and conserve our water, and the state has not implemented or fully funded any of them.

⁵ <https://www.texastribune.org/2024/04/29/texas-treated-produced-water-disposal-discharge-rivers/>

⁶ <https://grist.org/energy/big-oil-wants-to-dump-more-wastewater-into-rivers-what-could-go-wrong/>

⁷ <https://uttoncenter.unm.edu/resources/state-water-task-force/new-mexico-water-policy-and-infrastructure-task-force-final-report-2022.pdf>