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James Kenney
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Re: Public Comment on the Draft White Paper: Oil and Natural Gas Produced Water Governance in the State of New Mexico

To Whom it May Concern:

Western Energy Alliance appreciates EPA’s and New Mexico’s efforts to add clarity to the regulatory structure that exists for produced water from the oil and natural gas industry. With ever increasing volumes of water being produced from the state, it shows a great deal of foresight to begin the process of developing potential changes to the regulations that govern the use and disposal of this potential resource.

Western Energy Alliance represents over 300 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. Alliance members are independents, the majority of which are small businesses with an average of fifteen employees.

The Alliance fully supports the effort to increase cooperation on particularly pressing environmental issues between EPA regions and states, it is a framework that we hope can propagate to other regions and states. This paper is a great example of how increased coordination can produce results that help inform stakeholders, allow for continued industrial activity, and remain protective of the environment.

There are a few points that we hope are addressed in the future final version of this white paper. In order to help incentivize re-use or recycling of produced water, a thorough examination of the rules on reporting accidental spills should be included in the paper. The paper is already a comprehensive overview of the regulations on surface water but including spill reporting section would be a welcome addition to any operator looking to this document as a “one stop shop” for all aspects of managing produced water.
The other aspect we would like to see is a more in-depth discussion on how both state and federal rules apply to mobile water treatment units. The current lengthy permitting timeframes discourage mobile water treatment technologies from rapidly responding to localized drought conditions with surface discharge for wildlife, habitat, or agriculture uses. A rapid permitting mechanism available for temporary facilities could have a major impact on water quality or quantity issues that may arise unexpectedly.

Finally, since there seemed to be uncertainty with produced water compositions in the state, we would like to offer our assistance in gathering typical compositions by basin and formation which could be used to inform future rulemaking. Industry is already voluntarily sampling produced water and flowback water through the Frac Focus data repository, which has been a useful tool to inform the public and regulators alike on the actual composition of well fluids.

Thank you again for the opportunity to share our comments on this paper, we look forward to more constructive meetings between your agencies in the future.

Sincerely,

Stuart Siffring, PE
Regulatory Analyst