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Launch of Defend New Mexico Water campaign and rally by members of NM No False Solutions and allies to alert the general public about the threat of fracking waste contamination posed by the proposed [Wastewater Reuse Rule 23-84](#).

TEWA TERRITORY (Santa Fe, NM)-- A rally convened by members of the New Mexico No False Solutions Coalition and members of the newly launched Defend NM Water Campaign www.defendnmwater.org to raise awareness of the upcoming [Wastewater Reuse Rule 23-84](#) pending before the Water Quality Control Commission (WQCC). The hearing will take place next Monday, May 13th. The group represented at the rally brought together climate, environmental justice, Indigenous, and youth organizations, alongside farmers, frontline community members, and water experts who all shared their concerns ahead of next week's WQCC hearing.

The New Mexico No False Solutions Coalition, frontline community members, and network allies spoke to the dangers posed to public health and the environment if this toxic waste is allowed to be taken off the oil fields, "treated", and reused in demonstration and industrial projects throughout the state without scientifically-based standards or sufficient oversight. Speakers from several sectors discussed health impacts for workers, the cultural and intrinsic value of water in NM, and how the rule would affect senior water rights holders. Speakers also made the connection between the rule and the water supply needed to produce hydrogen and other unproven industry-driven reuse applications.

The proposed [Wastewater Reuse Rule 23-84](#), vastly expands produced water reuse to large-scale industrial and demonstration projects off the oil field with no scientifically-based standards for the treatment, handling, or disposal of the toxic and radioactive substance. While the rule prohibits the discharge of treated or untreated produced water to ground and surface water - opponents of the rule point to the threats posed to New Mexican's health and safety by

enabling industrial and large-scale demonstration projects to be developed in communities across the state without adequate protections for workers and community members. While proponents claim that the Rule requires projects to be “closed loop”, opponents point to the abject failure of state agencies to protect New Mexicans from oil and gas spills and illegal discharges from oil and gas operations, which take place daily throughout the state.¹ For example, in the Permian, 38,741 spills took place in 2022. Concerning the handling of produced water specifically, 616 produced water spills were reported in 2022 in the Permian² and statewide an average of 4 spills takes place per day.³ The majority of spills have been met with no penalty enforcement by state agencies. The transportation and waste disposal associated with large-scale demonstration and industrial projects contemplated in the Rule pose significant additional threats to New Mexico’s waterways, land, and human health.

Frontline, Indigenous, youth, and environmental justice groups point to the connection between the Rule and Michelle Lujan Grisham’s administration’s plan to commodify and repackage fracking waste as a new source of “water” and use public funding to subsidize the dangerous experimental use of this toxic waste in commercial enterprises throughout the state.

[See here for a recent news report](#) on the Michelle Lujan Grisham administration’s work to turn this toxic waste into “water” to address the oil and gas industry’s waste crisis.

In December of 2023 after COP28 which was held in Dubai, Governor Michelle Lujan Grisham announced the “Strategic Water Supply,” an initiative to allocate \$500 million dollars to buy, treat, and sell produced water for Green Hydrogen Energy. After much opposition from Indigenous and environmental groups during the legislative session, the administration is pursuing the regulatory mechanisms necessary to move forward with the use of produced water off the oil field. But the science doesn’t exist to support the rule. Advocates, frontline community members, and Indigenous organizations have been pointing to the scientific research on produced water reuse, including studies by the New Mexico Produced Water Research Consortium that clearly find produced water reuse is NOT ready for prime time. Given the chemical variance, proprietary nature of the chemicals used, and toxicity and radiation levels in produced water, scientific standards for its safe treatment and reuse do not exist.⁴

¹<https://www.blm.gov/sites/default/files/docs/2023-11/water-support-document-for-oil-and-gas-development-new-mexico-2023.pdf>.

² Id. Page 28

³ Id. <https://westernpriorities.org/resource/2022-spills-tracker/>

⁴ See the testimony of Norman Gaume, Justin Noble, and Melissa Troutman:

https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/04/NEE-Exhibit-A-WQCC-23-84-R-2024-4-15-NEE-Expert-Norm-Gaume-Direct-Testimony-and-Exhibits_Part1.pdf;

<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/04/NEE-Exhibit-B-WQCC-23-84-R-2024-4-15-NEE-Expert-Justin-Nobel-Direct-Testimony-and-Exhibits.pdf>;

<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/04/2024-04-15-WQCC-23-84-WildEarth-NOI-and-Exhibits-pj.pdf>.

The proposed rule goes to a hearing on May 13th before the Water Quality Control Commission.

Environmental justice, Indigenous, frontline, and advocacy groups will continue to ask members of the public to join in defending NM water, the rights of Indigenous, acequia, and other water rights holders, land stewards, farmers, and youth in standing up to stop this rule and the Industrial and Demonstration projects it will enable and to call instead for an alternative rule that prohibits all reuse of produced water! Organizers are calling for support for safe and scientifically sound measures to address NM's water shortage concerns - such as funding resource management measures outlined in the 2019 Water Data Act and 2023 Water Security Planning Act. ***Unless and until the effective treatment of the toxic radioactive waste is proven possible and scientific standards for treatment, specific reuse applications, and disposal are established, toxic fracking waste "water" has no place in our communities.***

In New Mexico, Indigenous, frontline, youth, and climate justice advocates have fought to protect our communities' rights to our waterways. Our Pueblo communities revere our Water Mothers for providing strength and nourishment to our minds, bodies, and souls. We have utilized centuries-old water systems and land management practices rooted in our traditional core values to provide sustenance to our communities. The Strategic Water Supply Plan negates and dismisses our cultural practices and rights to clean water

- Reyes DeVore, Program Director, Pueblo Action Alliance

"As young people who envision a better future for ourselves and generations to come, it's abundantly clear that the reuse of toxic waste containing hazardous chemicals that cause life-threatening and life-altering disease off the oil field is utterly irresponsible. We cannot allow state agencies, pressured by industry interests, to gamble with the health of New Mexicans and our collective future."

- Destiny Ray, Campaign Organizer

"The Reuse rule is not ready for prime time. It is a political rule, not a science-based rule; the Consortium's own scientists state that intensive research is still needed to promulgate science-based regulation. The Reuse Rule as written presents interpretive questions and numerous unresolved contingencies, and in short, has as many holes as Swiss cheese, making it a license for industry to poison the land of enchantment, our wells, our acequias, and our rivers. The only rule the Commission should adopt is a prohibition on any discharge, disposal, and reuse of produced water outside of the oil field"

- Mariel Nanasi, Executive Director, New Energy Economy