

From: [Hearings, OCC, EMNRD](#)
To:
Subject: Fw: [EXT] Public comment: Re: Case # 21834 Petition to prohibit releases of Produced water as a proposed rule change in NM Statute
Date: Wednesday, June 9, 2021 7:50:45 AM

From: RALPH WRONS <rjwrons@comcast.net>
Sent: Tuesday, June 8, 2021 11:04 PM
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>
Cc: Hearings, OCC, EMNRD <OCC.Hearings@state.nm.us>; dtimmons@wildearthguardians.org <dtimmons@wildearthguardians.org>
Subject: [EXT] Public comment: Re: Case # 21834 Petition to prohibit releases of Produced water as a proposed rule change in NM Statute

Dear Chair and Members of the Oil Conservation Commission,
Thank you for the opportunity to state my support for the proposed rule change to NM Statutes to prohibit releases of liquid waste from oil and gas drilling operations in the State of New Mexico. In my opinion, this is long overdue and I agree with the statement of the 3rd paragraph of the Petition:

"After-the-fact reporting and cleanup obligations standing alone are inadequate to protect public health and the environment. Operators should not release oil, gas, produced water, and other contaminants in the first place, and the Division should be given the tools

necessary to prevent those releases."

It is my interpretation that, because the OCD is a joint petitioner, the OCD is also in favor of this long overdue rule change and that they require the tools (e.g., funding, inspectors, means of monitoring) in order to enforce this important rule change.

I'm submitting my additional input as questions, under the umbrella of "What else is the OCC going to do to ensure the Oil and Gas industry knows that New Mexico is no longer going to tolerate spills as a normal course of doing their business in this state?":

1) The petition and proposed rule change both refer to "major releases", and I see in the existing rule that the threshold for a release (spill) to be categorized as "major" is 25 barrels. With our knowledge of the toxicity of oil waste and fracking waste spills expanding, will the OCC consider lowering that threshold, down to say 15 barrels and the same for "minor releases", down to say one barrel?

2) The proposed rule change does not include any changes to "NOTIFICATION". Besides the State, what about the landowners if it happens to spill on and contaminate adjacent land? What about local jurisdictions?

3) The proposed rule change does not include any new mention of PENALTIES or TRAINING OF OPERATORS, say under ENFORCEMENT. The State has a lot of "bad actors" when compared to the good actors. The State (OCD) needs tools to "prevent those releases" and financial Penalties and demonstrated Training records for equipment operators and knowledge of the requirements of 19.15.29 seems like a good start.

Please reply to my questions, at the earliest opportunity, say in conjunction with answers to other public input.

sincerely,

Ralph Wrons

On 06/08/2021 1:48 PM RALPH WRONS <rjwrons@comcast.net> wrote:

<http://www.emnrd.state.nm.us/OCD/documents/218342021.03.11-JointRulemakingProposal.pdf>