

## OCC Hearing Exhibit 38

**From:** [Davidson, Florene, EMNRD](#)  
**To:** [Salvidrez, Marlene, EMNRD](#)  
**Subject:** FW: [EXT] Comment for OCD Hearings on "Produced Water" Scheduled for Thursday, July 30 and Friday, July 31st  
**Date:** Thursday, July 30, 2020 7:23:40 AM

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**From:** Kathy Wooten <kathywooten@gmail.com>  
**Sent:** Wednesday, July 29, 2020 5:58 PM  
**To:** Davidson, Florene, EMNRD <florene.davidson@state.nm.us>  
**Subject:** [EXT] Comment for OCD Hearings on "Produced Water" Scheduled for Thursday, July 30 and Friday, July 31st

To My Fellow New Mexicans, inside the State Government as well as the Citizenry which I represent:

Having studied the status of "Produced Water" with other voters in Dona Ana County, as well as attending three of the five public input meetings of the Environment, Energy, and Natural Resource Department (Santa Fe, Hobbs, Las Cruces) has demonstrated to me the strong public opposition to the use of the mis-named "Produced Water" toxic fluid fracking waste outside oil fields. We want our threatened fresh-water used for drinking and agriculture, not wasted for fracking operations. The use of the toxic fluid waste called "Produced Water" should never be off-oil field. It is creating hazards for all of us just being reused in the oil fields, much less taken off oil fields.

I am making this statement to emphasize the Citizens' opposition. It is shocking to me that the OCD is holding 2 days of hearings on rules and regulations to "create" a legal platform from which to expose our citizens, our land, our agriculture, our precious fresh water sources to a toxic product that has zero scientific basis for such use:

1. It is a potent and serious long-term threat to the health, well-being, and environment of humans, plants, and animals. That much we know. While the NMSU led Produced Water Consortium seeks to put the seal of approval of science on this same use, that process has a five year time frame. Why are we even at the point of OCD holding hearings to make rules for use of a substance whose danger has been made clear? For example, a relatively long-term study by a team of Universities (Penn State, Colorado State, and Dartmouth College) published by Science Daily, 18 September, 2018, determined that , "EVEN AFTER BEING TREATED, wastewater from hydraulic fracturing operations left SIGNIFICANT contamination in a waterway downstream of treatment plants." (Emphasis mine.) "Sediments in the Conemaugh River Lake east of Pittsburgh were contaminated with endocrine-disrupting chemicals known to be carcinogens, and ELEVATED LEVELS OF RADIUM. (Emphasis mine.) The highest concentrations of these pollutants were found in lake sediment layers DEPOSITED FIVE TO TEN YEARS EARLIER during a peak period of fracking wastewater disposal." (Emphasis mine.) As the lead researcher, Dartmouth College Earth Sciences Professor Mukul Sharma stated, "The Science is being left behind in the Gold Rush. Getting the Science is the first step (the FIRST step) to fixing the problem." Neither the Oil and Gas Industry, nor the Scientific community, has completed that crucial "First Step." Pressure is coming from the Industry and the budget-busting effect of gambling all of New Mexico's development and planning on one dirty,

extractive, harmful Industry over so many years. These are hard times for our country and world. What we do NOT need is another massive health hazard unleashed on New Mexicans, and that is what this is. Spills and "accidents" have been going on apace - a few reported and known, many unreported and unknown. The Oil and Gas Industry participation in establishing rules, as well as the partnership with the Produced Water Consortium is of grave concern. As is the seriously understaffed status of State Inspectors.

2. What New Mexico citizens want is strongly worded, enforceable regulations - based on proven science - that prohibit the use of this toxic fracking waste fluid anywhere other than in the oil fields. Additionally, we have not been provided with a schedule of presentations nor even a description of the format for these Hearings.

3. Oil Companies MUST divulge the entire set of proprietary chemicals they use for the Fracking Process. Otherwise, there is no scientific way to prove they can be used safely. Other States, such as Pennsylvania, have continued to study the polluting effects of fracking waste released into their fresh water supplies as previously stated. Our New Mexico dust and wind will spread this waste product far and wide.

4. These OCD Hearings, have the appearance of actually jumping ahead of any proven Science to create "rules" that will supposedly regulate such a toxic substance without even knowing all the chemicals in the proprietary set of chemicals used in the Fracking process. IF, (and that is a huge "IF") stringent and uncorrupted Science were to have a chance to prove the risks versus benefits, that MAY offer a starting point. At present, we the citizens do not even have a trusted and proven preliminary finding - we have no starting point.

5. The public opposition to the use of toxic chemical fracking waste, incorrectly referred to as "Produced Water", being used outside the oil fields will only solidify and increase.

Thank you for the opportunity to express these opposing viewpoints from a New Mexico citizen.

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