

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 15 OIL AND GAS
PART 34 PRODUCED WATER

19.15.34.1 ISSUING AGENCY: Energy, Minerals and Natural Resources Department, Oil Conservation Division.
 [19.15.34.1 NMAC - N, 12/1/08]

19.15.34.2 SCOPE: 19.15.34 NMAC applies to persons engaged in transporting produced water, drilling fluids or other oil liquid oil field waste or having them transported or in disposing of produced water or oil field waste within New Mexico.
 [19.15.34.2 NMAC - N, 12/1/08]

19.15.34.3 STATUTORY AUTHORITY: 19.15.34 NMAC is adopted pursuant to the Oil and Gas Act, NMSA 1978, Section 70-2-12, which authorizes the division to regulate the disposition of water produced or used in connection with the drilling for or producing of oil or gas and to direct surface or subsurface disposal of the water.
 [19.15.34.3 NMAC - N, 12/1/08]

19.15.34.4 DURATION: Permanent.
 [19.15.34.4 NMAC - N, 12/1/08]

19.15.34.5 EFFECTIVE DATE: December 1, 2008, unless a later date is cited at the end of a section.
 [19.15.34.5 NMAC - N, 12/1/08]

19.15.34.6 OBJECTIVE: To establish procedures by which persons may transport produced water, drilling fluids and other liquid oil field waste and dispose of produced water or other oil field waste.
 [19.15.34.6 NMAC - N, 12/1/08]

19.15.34.7 DEFINITIONS: [RESERVED]
 [See 19.15.2.7 NMAC for definitions.]

19.15.34.8 TRANSPORTATION OF PRODUCED WATER, DRILLING FLUIDS AND OTHER LIQUID OIL FIELD WASTE:

A. A person shall not transport produced water, drilling fluids or other liquid oil field waste, including drilling fluids and residual liquids in oil field equipment, except for small samples removed for analysis, by motor vehicle from a lease, central tank battery or other facility without an approved form C-133, authorization to move liquid waste. The transporter shall maintain a photocopy of the approved form C-133 in the transporting vehicle.

B. A person may apply for authorization to move produced water, drilling fluids or other liquid oil field waste by filing a complete form C-133 with the division's Santa Fe office. Authorization is granted upon the division's approval of form C-133.

C. An owner or operator shall not permit produced water, drilling fluids or other liquid oil field waste to be removed from its leases or field facilities, except for small samples removed for analysis, by motor vehicle except by a person possessing an approved form C-133. The division shall post a list of currently approved form C-133s, authorization to move liquid waste, on its website. The list of form C-133s posted on the division's website on the first business day of each month shall be deemed notice of valid form C-133s for the remainder of that month.

[19.15.34.8 NMAC - Rp, 19.15.2.51 NMAC, 12/1/08]

19.15.34.9 DENIAL OF A FORM C-133: The division may deny approval of a form C-133 if:

A. the applicant is a corporation or limited liability company, and is not registered with the public regulation commission to do business in New Mexico;

B. the applicant is a limited partnership, and is not registered with the New Mexico secretary of state to do business in New Mexico;

C. the applicant does not possess a carrier permit under the single state registration system the public regulation commission administers, if it is required to have such a permit under applicable statutes or rules; or

D. the applicant or an officer, director or partner in the applicant, or a person with an interest in the applicant exceeding 25 percent, is or was within the past five years an officer, director, partner or person with an interest exceeding 25 percent in another entity that possesses or has possessed an approved form C-133 that has been cancelled or suspended, has a history of violating division rules or other state or federal environmental laws; is subject to a commission or division order, issued after notice and hearing, finding such entity to be in violation of an order requiring corrective action; or has a penalty assessment for violation of division or commission rules or orders that is unpaid more than 70 days after issuance of the order assessing the penalty.

[19.15.34.9 NMAC - Rp, 19.15.2.51 NMAC, 12/1/08]

19.15.34.10 CANCELLATION OR SUSPENSION OF AUTHORIZATION TO MOVE LIQUID WASTES: A transporter's vehicular movement or disposition of produced water, drilling fluids or other liquid oil field wastes in a manner contrary to division rules is a ground for denial of approval of form C-133 in addition to the those specified in Subsection D of 19.15.34.9 NMAC. It is also cause, after notice and an opportunity for hearing, for the division to cancel or suspend a transporter's authorization to move liquid wastes.

[19.15.34.10 NMAC - Rp, 19.15.2.51 NMAC, 12/1/08]

19.15.34.11 DISPOSITION OF PRODUCED WATER AND OTHER OIL FIELD WASTE: Except as authorized by 19.15.30 NMAC, 19.15.17 NMAC, 19.15.36 NMAC, 19.15.29 NMAC or 19.15.26.8 NMAC, persons, including transporters, shall not dispose of produced water or other oil field waste:

- (1) on or below the surface of the ground; in a pit; or in a pond, lake, depression or watercourse;
- (2) in another place or in a manner that may constitute a hazard to fresh water, public health, safety or the environment; or
- (3) in a permitted pit or registered or permitted surface waste management facility without the permission of the owner or operator of the pit or facility.

[19.15.34.11 NMAC - Rp, 19.15.2.52 NMAC, 12/1/08]

19.15.34.12 METHODS FOR DISPOSAL OF PRODUCED WATER: Persons disposing of produced water shall use one of the following disposition methods:

A. disposition in a manner that does not constitute a hazard to fresh water, public health, safety or the environment; delivery to a permitted salt water disposal well or facility, secondary recovery or pressure maintenance injection facility, surface waste management facility or permanent pit permitted pursuant to 19.15.17 NMAC; or to a drill site for use in drilling fluid; or

B. use in accordance with a division-issued use permit or other division authorization.

[19.15.34.12 NMAC - Rp, 19.15.2.52 NMAC, 12/1/08]

19.15.34.13 METHODS FOR DISPOSAL OF OTHER OIL FIELD WASTE: Persons shall dispose of other oil field waste by transfer to an appropriate permitted or registered surface waste management facility or injection facility or applied to a division-authorized beneficial use. Persons may transport recovered drilling fluids to other drill sites for reuse provided that such fluids are transported and stored in a manner that does not constitute a hazard to fresh water, public health, safety or the environment.

[19.15.34.13 NMAC - Rp, 19.15.2.52 NMAC, 12/1/08]

HISTORY of 19.15.34 NMAC:

History of Repealed Material: 19.15.2 NMAC, General Operating Practices, Wastes Arising from Exploration and Production (filed 04/21/2004) repealed 12/1/08.

NMAC History:

Those applicable portions of 19.15.2 NMAC, General Operating Practices, Wastes Arising from Exploration and Production (Sections 51 and 52) (filed 01/24/2007) were replaced by 19.15.34 NMAC, Produced Water, effective 12/1/08.