

# Oil/Natural Gas Wastewater, Recycling and Reuse: U.S. Environmental Protection Agency and New Mexico Announce Release of Draft White Paper



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

11/14/2018

The United States Environmental Protection Agency (“EPA”) announced in a November 9th news release the release of a draft white paper (“Paper”) which addresses New Mexico and federal regulatory management of produced water.

The Paper was jointly produced by EPA and the State of New Mexico.

Besides addressing the regulation of produced water, the Paper also discusses opportunities to treat and reuse the water to help alleviate water scarcity issues in the State of New Mexico.

The following New Mexico state agencies entered into a Memorandum of Understanding (“MOU”) with the EPA in July 2018:

- New Mexico Energy, Minerals and Natural Resources Department;
- Environment Department; and
- Office of the State Engineer.

The MOU’s purpose is described as the assessment and clarification of the existing regulatory landscape related to:

... the way produced water from oil and gas extraction activities may be reused, or as appropriate treated and made available for non-oil and gas applications in New Mexico.

The Paper addresses topics such as:

- Water in New Mexico – Scarcity and Abundance
- Produced Water Regulatory Framework (discussing both New Mexico and federal agencies/applicable regulations)
- Re-use, Recycling and Renewable Water Scenarios
- Re-use/Recycle Water within the Oil and Natural Gas Industry
- Surface Water Discharges
- Industrial Use/Commercial Sales Outside the Oil and Natural Gas Industry
- Agricultural Uses
- Municipal Uses

- Subsurface Discharge for Groundwater Management
- Improving the Quantity and Quality of Water in New Mexico

A copy of the news release which links to both the Paper and MOU can be found [here](#).