



SB 86 Use of Water for Oil & Gas Operations

Summary: **SB 86 Use of Water for Oil and Gas Operations**, sponsored by Senator Antoinette Sedillo Lopez, would amend the Produced Water Act and Oil and Gas Act to prohibit certain uses of fresh water in oil and gas operations; provide penalties for the spill or release of oil, gas, or produced water; direct the Oil Conservation Division of the Energy, Minerals & Natural Resources Dept. to adopt rules relating to produced water to protect public health, workers safety and natural resources; require the tracking of produced water; and clarify requirements for water quality control commission rulemaking related to the use of produced water outside the oil field.

History: In 2019, HB 546 Fluid Oil and Gas Waste Act, crafted in part by oil industry officials, passed the legislature and was signed by the Governor. HB 546 created the Produced Water Act, which went into effect July 1, 2019. Produced water is defined as “fluid that is an incidental byproduct from drilling for or the production of oil and gas,” and is shown to contain radioactive materials, heavy metals, and other carcinogens. The primary objection to HB 546 was to direct the state to study other possible uses of produced water, including for agriculture. SB 86 would address significant problems with HB 546.

Why This Legislation Is Good for NM: SB 86 would prohibit use of “produced water” outside gas and oil and operations and address the critical need for stronger regulation of gas & oil use of fresh water as well as strengthen regulations related to oil and toxic water spills.

Why is This Legislation Needed?

- Most of New Mexico is experiencing “extreme” or “exceptional drought,” the two highest levels of drought intensity. Surface water supplies -- rivers, streams, and reservoirs -- are at historic lows, and groundwater levels are dropping dramatically, particularly in southeastern NM. We simply cannot afford to use millions of gallons of precious fresh water daily for oil and gas operations.
- Drilling a single well in the Permian Basin requires more than 11 million gallons of water per day in 2016 (11 Olympic size swimming pools full), up from 1.3 million gallons in 2011. Wells are getting much deeper as oil deposits dwindle, requiring much more water.
- In 2019, the Oil & Gas industry produced an estimated 300 million barrels of oil, and nearly 1.3 billion barrels of produced wastewater. By 2030, that number could rise to 38 million barrels of wastewater daily.
- There were 1,523 reported spills in New Mexico in 2018, roughly 4.2 spills a day. That’s a daily average of 252 barrels of produced water spilled, 44 barrels of crude oil spilled, and 677,000 cubic feet of natural gas leaked - - 84% of spills occurring in Lea and Eddy counties.
- More than 1.4 million gallons of produced wastewater were spilled via 327 spills in the first eight months of 2020.
- The 247 Million cubic feet of natural gas leaked in NM in 2018 is equivalent to the annual energy use of 1,631 homes, driving 2,892 cars for a year, or burning 14.9 million lbs. of coal.
- Produced water is a toxic cocktail of radioactive materials, heavy metals, fracking chemicals, and other carcinogenic contaminants.

Supporting Organizations

Sierra Club; New Energy Economy; Conservation Voters of New Mexico; 350NM

Building grassroots power to successfully advocate for social, racial, environmental, and economic justice.

Retake Our Democracy * P.O. Box 32464 * Santa Fe, NM * 87594
retakeourdempocacy.org * email: retakeresponse@gmail.com