



State of New Mexico  
**House of Representatives**  
State Capitol  
Santa Fe

July 2, 2025

June 24, 2024

Water Quality Control Commission  
Harold Runnels Building, Suite S-2102  
1190 S. Saint Francis Drive  
Santa Fe, New Mexico 87505

Dear Members of the Water Quality Control Commission,

We write regarding the Petition for Rulemaking and Statement of Reasons filed with the Commission on June 20, 2025 (No. WQCC 25-34) by the Water Access, Treatment & Reuse ("WATR") Alliance, to urge the Commission to set this matter for hearing in Jal, NM.

This rulemaking effort fulfills the directives of House Bill 546, which established the Produced Water Act and amended the Water Quality Act. HB 546 passed with overwhelming bipartisan support, a clear sign of New Mexico's shared commitment to responsible water management and economic growth. HB 546 passed the House unanimously and the Senate with only two dissenting votes before being signed into law by the Governor—a clear signal of New Mexico's united commitment to responsible water management and economic development.

HB 546's intent is clear: preserve fresh water for essential uses and spur economic development. HB 546 was explicit in its instructions to the Water Quality Control Commission. The law requires that the Commission "shall adopt regulations to be administered by the department of environment for the discharge, handling, transport, storage, recycling or treatment for the disposition of treated produced water, including disposition in road construction maintenance, roadway ice or dust control or other construction, or in the application of treated produced water to land, for activities unrelated to the exploration, drilling, production, treatment or refinement of oil or gas." This section makes it clear that the WQCC has both an obligation and the authority to establish a robust regulatory framework for the full life cycle and reuse of treated produced water.

Science-based standards are critical to this effort. We must employ a scientifically grounded approach to explore safe water reuse opportunities while maintaining robust protections for public health and the environment. To that end, the Commission should set the proposed rule for hearing and examine the proposal's scientifically based standards, including comprehensive requirements for water testing, engineering controls, whole effluent toxicity testing, and other protections that facilitate reuse without undermining human health and the environment.

Since 2019, the New Mexico Produced Water Research Consortium, based at NMSU, has made significant advances in treatment technology and operational feasibility for produced water

reuse. Their ongoing research provides the data and expertise needed to support robust, protective standards. By grounding regulations in Consortium research and other scientific evidence, New Mexico can develop comprehensive testing, engineering controls, and toxicity requirements that safeguard public health and the environment while overseeing responsible water reuse for economic development.

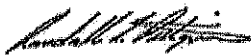
A continued science-based effort is critical given New Mexico's status as one of the most water-stressed states in the nation. According to the Governor's 2024 New Mexico 50-Year Water Action Plan, addressing these challenges requires expanding water reuse, developing new water sources—including brackish and produced water—and advancing innovative water technologies as essential components of a sustainable future. We must diversify our water portfolio, reduce reliance on limited freshwater supplies, and improve resilience. Safely expanding reuse of treated produced water directly supports these goals.

However, if we do not act, the moment will be lost. Already, we send over 3 million barrels of produced water to Texas each day. Texas is actively engaged in efforts to treat this water for reuse, with permits pending to discharge the treated water into Red Bluff Reservoir and the Pecos River, all on the Texas side of the border. We are giving this water away and will not get it back. New Mexico cannot afford to gift our water resources to neighboring states. New Mexico has been the thought leader on efforts to treat and reuse produced water. We cannot cede that position to Texas along with the hundreds of acre-feet of water each day that follow that leadership.

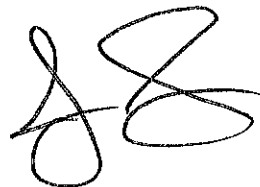
For these reasons, we urge the Commission to set this matter for a hearing. Of equal importance, we urge the Commission to set the hearing in Jal, NM. Over 98% of the produced water generated in the state is in Lea and Eddy County, with 51% of that water originating in Lea County. No community is more impacted by what is proposed in the Petition for Rulemaking than Jal and Lea and Eddy Counties. The hearing on this matter will be a valuable forum for communities, landowners, agricultural producers, and technology providers most impacted by the petition to participate in shaping this critical regulatory framework.

By adopting a strong, science-based approach, New Mexico can protect its water resources, bolster economic development, enhance drought resilience, and lead the nation in water innovation—fulfilling the vision outlined in the 50-Year Water Action Plan and strategic water supply initiatives.

Respectfully Submitted,



Randall Pettigrew, PE  
State Representative  
House District 61



Joseph Sanchez, PE  
State Representative  
House District 40