

OIL CONSERVATION DIVISION PROGRAM FOR GROUND WATER PROTECTION

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INTRODUCTION

The Oil Conservation Division (OCD) is unique among New Mexico state regulatory agencies in that it is the only agency other than the Environmental Improvement Division (EID) that administers several wide-ranging water quality protection programs. Some of these programs have been developed and remain separate from the umbrella state Water Quality Act which, until the advent of various federal programs, controlled other discharges to ground water. Among the types of discharges regulated by the OCD are surface and underground disposal of water produced concurrently with oil, natural gas, and carbon dioxide; waste drilling fluids and muds; and waste fluids at crude oil recovery facilities, service companies, natural gas plants and refineries.

Most of these activities are regulated under the New Mexico Oil and Gas Act, which also authorized the OCD to set requirements for proper drilling, completion, plugging and abandonment of wells. Additional authority is granted OCD under the Geothermal Resources Act, and through administrative delegation by the Water Quality Control Commission under the Water Quality Act.

This paper will briefly discuss the differing statutory authorities and activities conducted by OCD through rules and regulations adopted pursuant to those statutes. The division of fresh water protection responsibilities between OCD district and Santa Fe staff will be explained. Finally, staff and other resource needs required to implement effectively water quality programs will be presented.

OIL AND GAS ACT

When the New Mexico Oil and Gas Act (70-2-1 through 70-2-38, NMSA 1978)

created the Oil Conservation Commission¹ in 1935, it authorized rulemaking for prevention of waste and to protect correlative rights, but did not specifically address fresh water protection. However, the original act did require that dry or abandoned wells be plugged in a way to confine fluids to their existing zones.

Under these and other provisions of the statute, the OCD adopted rules regarding drilling, casing, cementing, and abandonment of wells. These activities, by themselves, provide some fresh water protection.

In 1961, the act was amended to allow the OCD to make rules providing for fresh water protection from improper disposal of drilling or production waters. Under the 1961 amendments, the state engineer designates which water is to be protected. Currently, protection is to be afforded to all surface water streams, all surface and ground water having 10,000 mg/l or less total dissolved solids (TDS), and all surface water over 10,000 mg/l TDS that impacts protectable ground water.

When the volume (see Table 1) and composition (see Table 2) of the produced water are examined, the need to require proper disposal for water protection can be immediately seen. In addition to inorganic salts, dissolved and floating hydrocarbons also provide contamination threats (see Table 3). In the past several years, numerous contamination reports, mostly in Southeast New Mexico, have been received by the OCD and the EID. Most incidents are the result of past practices that may have occurred up to several decades ago.

Under the Oil and Gas Act, statewide regulations can be adopted after notice and hearing, or rules specific to a particular practice, operator, or geographic area may be issued as OCD "orders." When an order is approved for a specific operator, it serves as a permit. Using one or the other of these methods, the OCD administers requirements for underground injection of produced waters and non-"hazardous" production fluids, for surface disposal of such fluids, and for disposal of non-recoverable waste oils and sludges from production and oil treating plants. A summary of major rules and orders is provided in Table 4.

Although the requirement to protect fresh water is statewide, two orders (R-3221 and R-7940) control the actual surface disposal of water in southeast and northwest New Mexico. R-3221 prohibited surface disposal in Lea, Eddy, Chaves and Roosevelt counties of southeast New Mexico beginning in January, 1969. Later amendments excepted certain

¹ By law the Oil Conservation Commission has concurrent jurisdiction with the OCD over all matters relating to oil and gas. The Commission generally hears proposed rules of a statewide impact and acts as an appeal body from OCD actions.

TABLE 1. 1985 NEW MEXICO PRODUCED WATER CUMULATIVE SUMMARIES

WATER PRODUCTION SUMMARY

	<u>Southeast N.M.</u>	<u>Northwest N.M.</u>	<u>Statewide</u>
<u>Water Produced with Oil</u>			
Barrels Produced	304,546,026	57,805,557	362,351,583
No. of Wells	22,488	2,582	25,070
<u>Water Produced with Gas</u>			
Barrels Produced	4,981,425	916,366	5,897,791
No. of Wells	3,655	13,602	17,257
<u>Total No. Oil & Gas Wells (1985)</u>			42,327
<u>Total New Mexico Produced Water</u>			368,249,374 Bbls. 15.466 Bil. Gal.

PRODUCED WATER DISPOSAL SUMMARY

<u>Secondary Recovery Injection</u>			
Bbls. Water Rejected	141,522,471	41,063,330	182,585,801
No. of Wells	2,684	196	2,880
<u>Salt Water Disposal Injection</u>			
Bbls. Water Disposed	135,775,609	10,680,471	146,456,080
No. of Wells	277	19	296
<u>Total Injection Wells (1985)</u>			3,176
<u>Total Injection Water Disposal</u>			329,041,881 Bbls. 13.820 Bil. Gal.
<u>Difference* Between Total Produced Water and Total Injected Water:</u>			39,207,493 Bbls. 1.647 Bil. Gal.

*Water disposed of in permitted ponds, make up for secondary recovery, unlined pits.

TABLE 2. MAJOR CONTAMINANT CONCENTRATIONS (mg/l) IN OIL FIELDS PRODUCED WATER INJECTED INTO DISPOSAL WELLS IN SOUTHEAST NEW MEXICO

<u>Parameter</u> ¹	<u>Range</u>	<u>Arithmetic Mean</u>	<u>Standard Deviation</u>	<u>Geometric Mean</u> ²	<u>Median</u>	<u>Samples</u>
Chloride	498-198,000	71,227	46,882	49,754	56,750	123
Sulfate	0-5,500	1,533	1,124	1,083	1,300	119
TDS ³	2,060-320,495	110,086	69,921	81,212	92,924	98
pH ⁴	4.2 - 8.7	6.4	0.7	6.4	6.5	110
Iron	0 - 1,396	122.3	315.1	9.2	11.1	68

¹Analyses from salt water disposal applications on file with N.M. Oil Conservation Division, Santa Fe. All values milligrams per liter except pH. All values total values; not field filtered. State ground water standards: chloride, 250 mg/l; sulfate, 600 mg/l; TDS, 1,000 mg/l; pH, 6 to 9; iron, 1.0 mg/l.

²Log geometric mean = $\sum \log x_i / N$.

³Total Dissolved Solids.

⁴Values are pH units as reported on laboratory analysis form.

TABLE 3. HYDROCARBON CONCENTRATIONS (mg/l)
IN SAMPLES OF OIL FIELD PRODUCED WATER,
SAN JUAN BASIN, NEW MEXICO

<u>Parameter¹</u>	<u>Range</u>	<u>Arithmetic Mean²</u>	<u>Geometric Mean^{2,3}</u>	<u>Median</u>	<u>No. Samples</u>	<u>STANDARDS</u>	
						<u>U.S. EPA Primary Drinking Water</u>	<u>State Ground Water</u>
Benzene ⁴ (0.001)	0.001- 65	16.88	6.46	12.35	19	0.005	0.010
Ethylbenzene ⁴ (0.001)	0.001- 1.95	0.50	0.24	0.50	19		0.75
Toluene ⁴ (0.001)	0.001- 53.4	15.3	5.6	12.2	19		0.75
Xylenes ⁴ (Total) (0.001)	0.001- 25.1	5.3	2.2	4.0	19		0.62

¹Sampled by N.M. Oil Conservation Division April, 1984 through June, 1986. Analyses by N.M. Scientific Laboratory Division. All samples from oil-water separators at leases; all values milligrams per liter. Values represent total concentration, samples not field filtered. Values in parameter column are detection limits. Intervals and maximum number of samples: Pennsylvania 1, Dakota Sandstone 8, Gallup Sandstone 3, Mesaverde 5, Chacra 1, Fruitland 1. Pictured Cliffs wells visited did not produce water.

²Detection limit values included in calculation of means.

³Log geometric mean = $\sum \log x_i/N$.

⁴One sample (Fruitland Basal Coal) had no aromatic hydrocarbons detected.

Table 4 - Major OCD Fresh Water Protection Rules

Major OCD Statewide Regulations

#	TITLE	PURPOSE
0.1	Fresh Water	Defines "Fresh Water" to be protected.
1.	Scope of Rules and Regulations	Rules 1, 2 and 3 state in general terms that fresh water is to be protected and that OCD staff has authority and duty to enforce such rules.
2.	Enforcement of Laws, Rules and Regulations	
3.	General Operations/Waste Prohibited	
8.	Lined Pits/Below Grade Tanks	Requires OCD approval of design and leak detection system.
105.	Pit for Clay, Shale, Drill Fluid, and Drill Cuttings	Requires on-site disposal in a manner to prevent fresh water contamination.
106.	Sealing Off Strata	Requires wells to be drilled and abandoned in a manner to prevent water or contaminant migration.
107.	Casing and Tubing Requirements	Requires necessary surface and intermediate casing strings and cement to protect fresh water.
116.	Notification of Fire, Breaks, Spills, and Blowouts	Notification and action requirements.
202.	Plugging and Abandonment	Requirements for plugging and abandonment of drill holes and wells.
308.	Salt or Sulphur Water	Monthly reporting of water volumes.
310.	Tanks, Oil Tanks, Fire Walls and Tank Identification	Prohibits oil storage in earthen reservoirs, and requires fire walls.
312.	Treating Plants	Specifies requirements for facilities performing oil recovery from production wastes.
313.	Emulsion, Basic Sediments, and Tank Bottoms	Prohibits pollution of fresh waters or surface damage from these wastes.

Table 4 (Con't)

<u>#</u>	<u>TITLE</u>	<u>PURPOSE</u>
701-708	Rules for Injection of Fluids	Underground Injection Control (UIC) regulations for salt water disposal, water floods and pressure maintenance.
709.	Removal of Produced Water From Leases and Field Facilities	Requires transporter authorization to move fluids off-site.
710.	Disposition of Transported Produced Water	Prohibits disposal in water courses, pits, or in any other place or manner which will constitute a hazard to fresh water supplies.

Major OCD Area-Wide Orders

<u>#</u>	<u>DATE</u>	<u>AREA</u>	<u>PURPOSE</u>
R-1224-A	1958	Hobbs, Monument and other community areas within Lea County Underground Water Basin.	Prohibits disposal of produced water in unlined pits.
R-2526	1963	Oil pools of Pennsylvanian and Wolfcamp geologic age, Lea County.	Prohibits disposal of produced water in unlined pits.
R-2788	1964	An area 12 miles in length within 2 miles of the Pecos River in Chaves County.	Prohibits disposal of produced water in unlined pits.
R-3164	1966	Vacuum Oil Field (NW of Hobbs) Lea County.	Prohibits disposal of produced water in unlined pits.
R-3221 (as amended)	1967	All of Lea, Eddy, Chaves and Roosevelt Counties (effective 1969).	Prohibits disposal of produced water in unlined pits. Areas have been and can be specifically excepted from the general order after demonstration through formal OCD hearing of no protectable fresh water.

Table 4 (Con't)

<u>#</u>	<u>DATE</u>	<u>AREA</u>	<u>PURPOSE</u>
R-7940	1985	Defined "vulnerable" ground water areas in the San Juan Basin, mainly along the San Juan, Animas and La Plata River valleys.	Prohibits disposal of produced water in unlined pits, with small volume exceptions dependent on salt concentration and depth to ground water.
R-7940-A	1986	All of San Juan Basin (San Juan, McKinley, Sandoval and Rio Arriba Counties).	Requires permits for commercial surface disposal facilities and registration and approval of centralized surface disposal operations.

geographic areas from the order if the area contained no ground water, or the existing water was greater than 10,000 mg/l TDS. Large areas of Eddy County east of the Pecos River, and west of the Caprock in Lea County have been excepted from the order by the commission. Companies can request that additional areas be added, but at a public hearing they must make a proper hydrologic showing of no protectable water.

In northwest New Mexico, Order R-7940, adopted in 1985, specified the most important areas of vulnerable ground water to be protected. These areas of shallow ground water are located mostly along the San Juan, Animas and La Plata River valleys. Aquifers in these valleys are not protected by fine-grained consolidated sediments as they are in other areas of the San Juan Basin. However, even in these shallow ground water areas of the Basin, continued small volume discharges up to 210 gallons (5 barrels) per day of produced water were authorized except where the ground water was less than ten feet (all discharges banned), or where the produced water was greater than 10,000 mg/l TDS (discharges limited to 0.5 barrels per day). These discharges were allowed to continue pending the results from a study (nearing completion) of the effect of small volume discharges on ground water. Preliminary results of the study have shown floating and dissolved hydrocarbon contamination at a number of the sites investigated. A complete discussion of the regulatory history of the San Juan Basin can be found in an earlier paper (Boyer, 1986).

WATER QUALITY ACT

The New Mexico Water Quality Act (74-6-1 through 74-6-13, NMSA 1978) provides the statutory authority for OCD environmental regulation of refineries, natural gas plants, and oil field service companies. Discharges to ground water at these facilities are controlled under the Water Quality Control Commission (WQCC) Regulations. As a constituent agency of the WQCC, OCD has been delegated authority to administer the regulations at these facilities and at geothermal operations (See Appendix). State water quality regulations at most other facilities are administered by the EID. That agency also administers WQCC regulations at in-situ brine extraction facilities. These were previously under OCD control and transferred to the EID prior to establishment of the OCD Environmental Bureau in 1984.

Discharge plans are being reviewed by the OCD staff for those refineries and natural gas plants not yet permitted. Most permitting remaining for these facilities is in northwest New Mexico. Renewal of discharge plans is required every five years and the

earliest southeast gas plant approvals are coming due for review. Only several service companies in the Hobbs area have received discharge plan approval and other existing facilities there have received a lower priority in OCD's discharge plan schedule.

The relationship between the regulatory authorities and administering agencies in implementation of the regulations at refineries and gas plants is shown in Figures 1 and 2. It must be emphasized that language in the Water Quality Act specifically prohibits WQCC concurrent jurisdiction over oil and gas production activities that may cause water pollution and are regulated by the OCD through the Oil and Gas Act. The delegation to the OCD of WQCC authority effectively eliminates this conflict because the same staff persons administer both sets of regulations, and apply whichever is applicable to the regulated facility.

Although the WQCC Ground Water Quality Standards can not be applied directly to permitted operations regulated under the Oil and Gas Act, OCD staff use them as guidelines since they have been developed for New Mexico's ground water quality and are both more comprehensive and realistic than some federally promulgated standards. In instances where the Oil and Gas Act is silent, such as requirements for cleanup and remedial action in the event of a spill or contamination, they are applied in reclamation actions. Under the WQCC delegation agreement, OCD staff are responsible for proper enforcement of the Water Quality Act in these instances.

GEOHERMAL RESOURCES ACT

Regulations adopted under the Geothermal Resources Act (71-5-1 through 71-5-24, NMSA 1978) are structured similar to those of the Oil and Gas Act. Its provisions control drilling, casing and cementing of geothermal wells; and production volume of the geothermal fluids so that the geothermal reservoirs will not be depleted, or unfairly appropriated by a particular user. The act and regulations adopted thereunder specify that activities be conducted in a manner such that human health and the environment are afforded maximum reasonable protection, and that disposal of produced waters be in a manner so as not to constitute a hazard to surface or underground usable waters.

Unlike the Oil and Gas Act, the Geothermal Resource Act has a clause allowing concurrent jurisdiction with other state agencies having regulatory jurisdiction. This means that WQCC Regulations are also applicable. Again, these responsibilities have been delegated to the OCD, and in practice only storage and disposal of geothermal-fluids are currently being regulated via discharge plans. Other aspects of the operation (drilling and

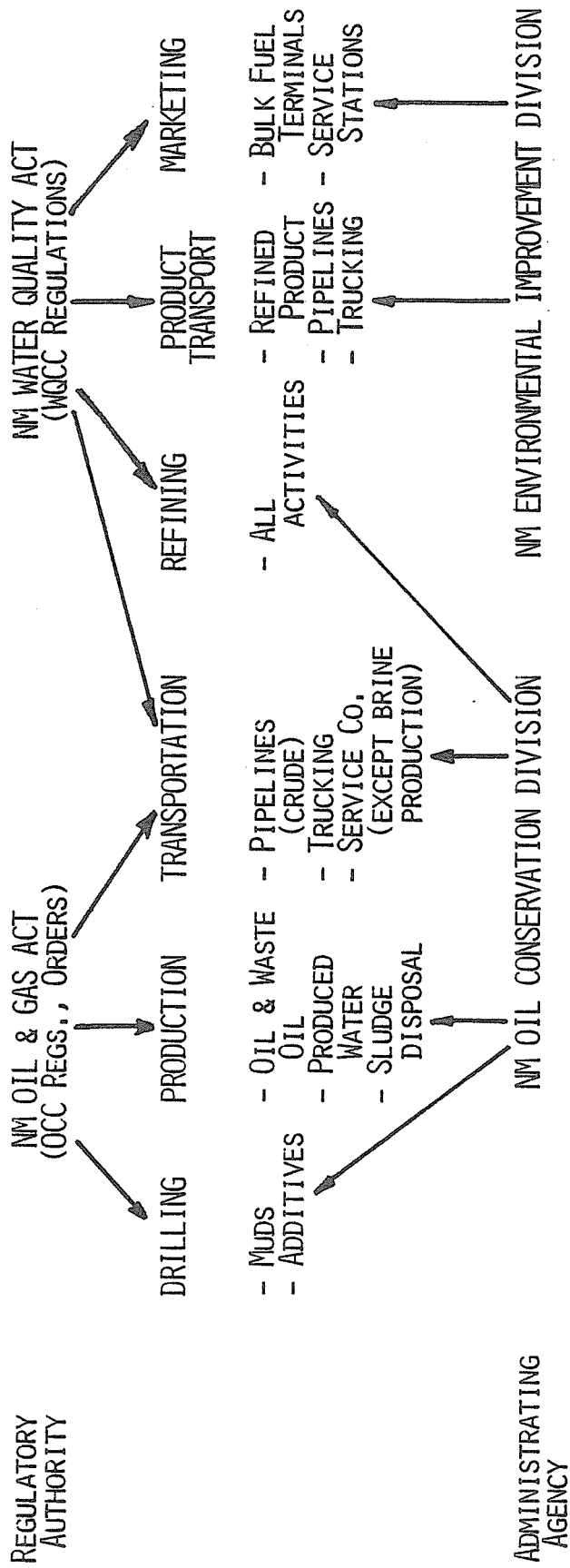
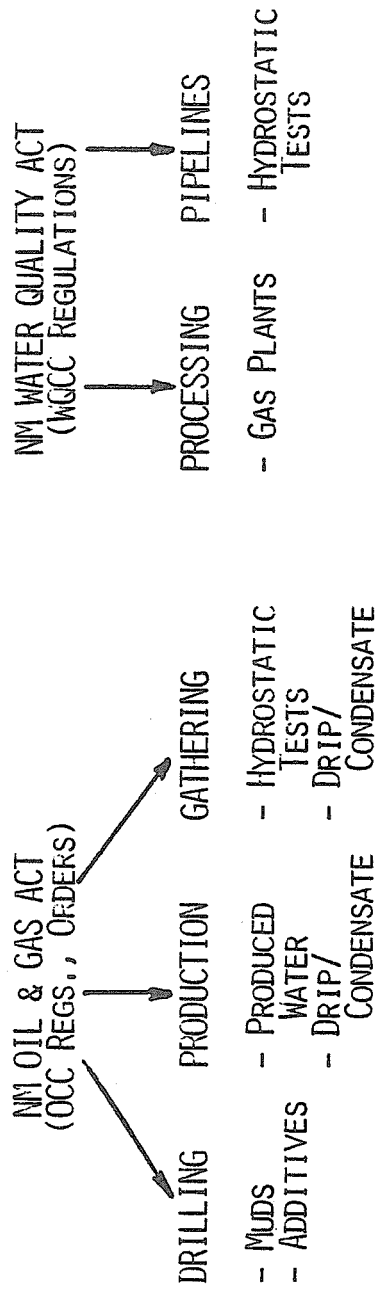


Figure 1. State Fresh Water Protection Programs - Oil



ADMINISTRATING AGENCY
NM OIL CONSERVATION DIVISION (ALL ACTIVITIES)

Figure 2. State Fresh Water Protection Programs -
Natural Gas and Carbon Dioxide

production) are covered through permits issued under the Geothermal Resources Act. These relationships are diagrammed in Figure 3.

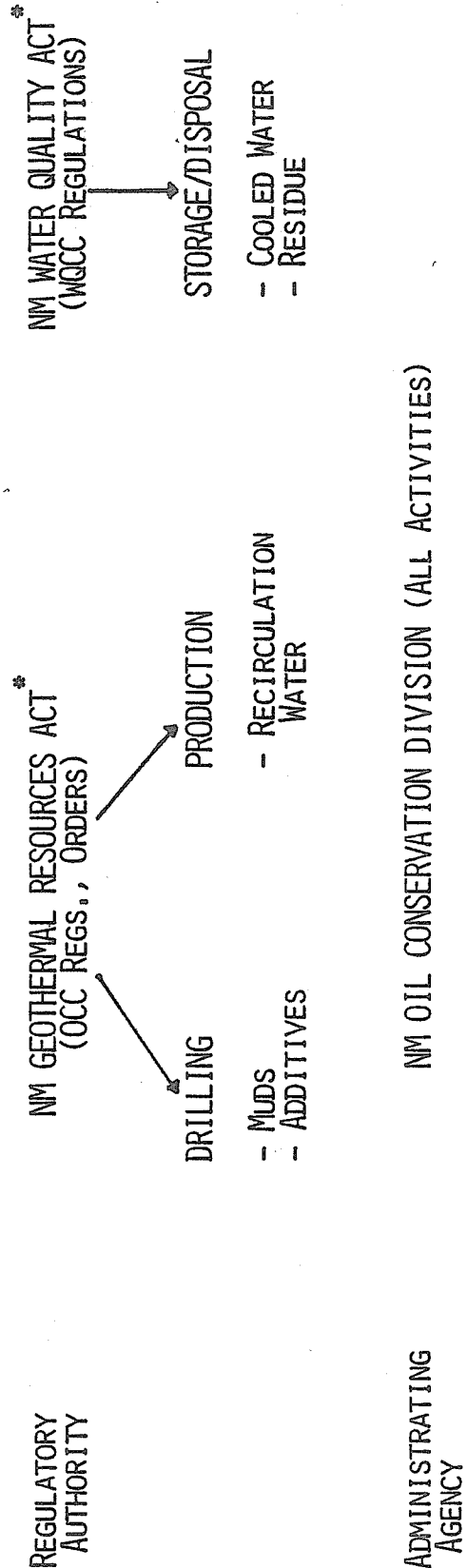
IMPLEMENTATION

Environmental activities conducted by the OCD are implemented by OCD's Santa Fe office and four district offices (see Figure 4). In addition to matters related to oil and gas production, Santa Fe staff process, approve or set for hearing, applications for surface disposal or underground injection of salt water, for water flooding used in secondary oil recovery or pressure maintenance, and for waste oil recovery/treating plants. With the exception of some surface disposal applications reviewed by the Environmental Bureau, all of the above activities are performed by OCD's petroleum engineers. However, Environmental Bureau staff provide valuable input and guidance in the application process, especially for possible impacts to ground water from proposed surface disposal or waste oil treating plants.

The Environmental Bureau, formed in 1984, performs water protection activities not carried out in other OCD programs. These include permitting of oil refineries, natural gas plants, oil field service companies, and other regulated discharges to ground water. Bureau staff perform inspections and sampling at these facilities, ground water contamination investigations, sampling of ground water at domestic wells and other locations suspected of having contamination, and supervise ground water cleanup and remedial actions. The bureau coordinates OCD environmental programs and responds to information requests by industry, federal and state agencies, and other members of the public. Additional regulations for fresh water protection are researched, written and proposed to the Oil Conservation Commission, and guidelines to assist industry in complying with regulatory requirements are prepared and updated.

Activities performed by the Environmental Bureau are carried out by a staff of three including a hydrogeologist, chemical/environmental engineer and a petroleum geologist. A fourth temporary staff person, a ground water hydrologist funded by an EPA grant, is assigned through January 1988 to assist in the San Juan Basin Investigation. This project is studying ground water contamination and the necessity of additional regulation of production discharges in that area.

Daily activities performed by OCD district staff provide protection for fresh water. All permits to drill, complete, work-over, and plug oil, gas and injection wells are reviewed and approved by district staff which includes a district geologist. The review



^{*} ALTHOUGH BOTH STATUTES ARE APPLICABLE TO ALL ACTIVITIES, IN PRACTICE THE WATER QUALITY ACT IS MORE LIKELY TO BE APPLIED ONLY TO DISPOSAL ACTIVITIES WITH THE GEOTHERMAL RESOURCES ACT PROTECTING FRESH WATER FROM DRILLING AND PRODUCTION ACTIVITIES.

Figure 3. State Fresh Water Protection Programs - Geothermal

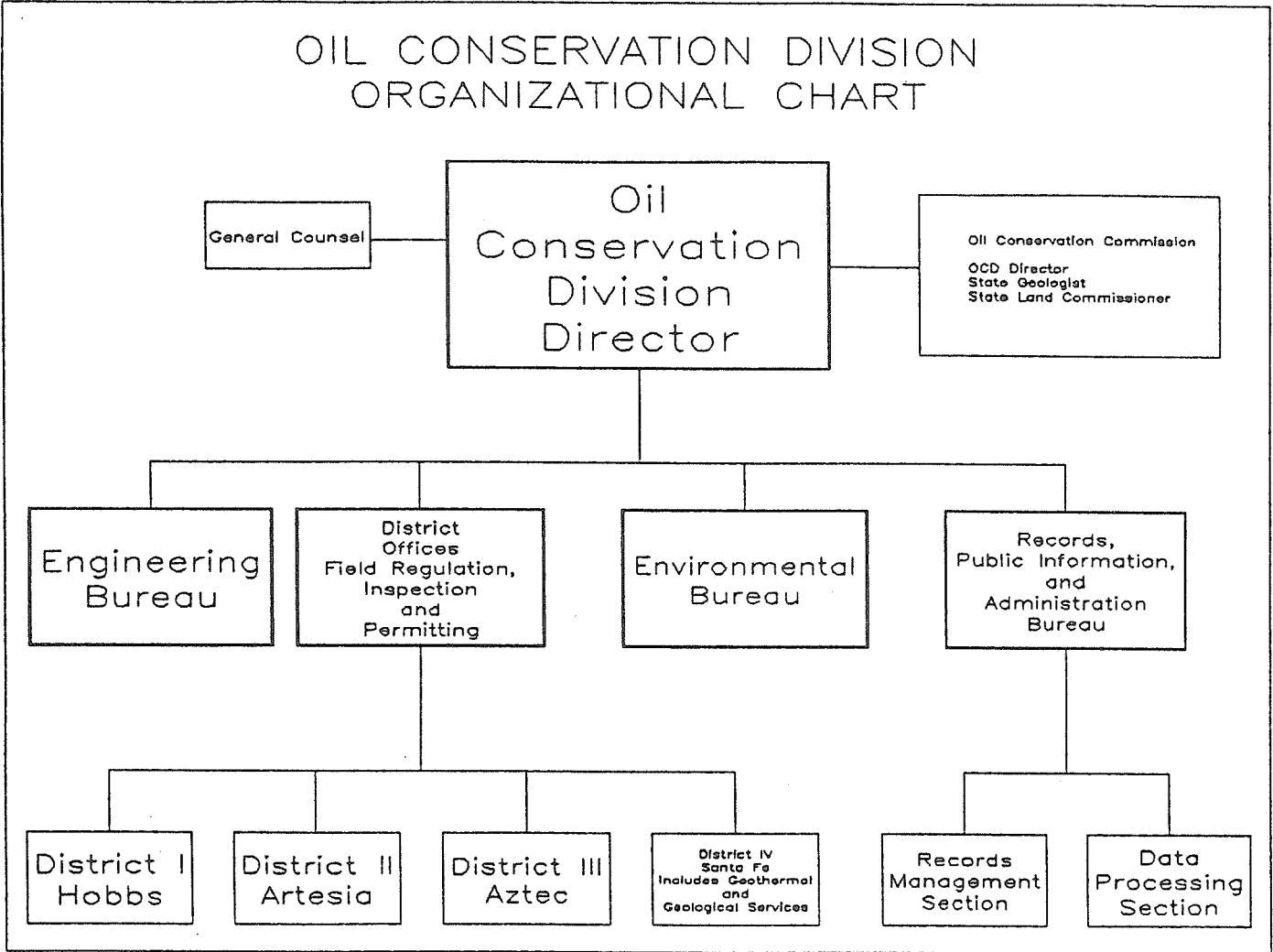


Figure 4. Oil Conservation Division Organizational Chart

ensures proper casing and cementing programs to protect fresh water. Field inspectors witness required cementing and testing of production and injection wells, and respond to complaints of possible rule violations. They collect water samples, supervise cleanup of minor spills and leaks, and provide first response to oil and gas related environmental problems.

EFFECTIVENESS AND RESOURCE NEEDS

Since 1984, the OCD Environmental Bureau has concentrated its resources on prevention of additional contamination of fresh water by oil and gas production and refinery activities. The major efforts in this area have been discharge plan review of gas plants and refineries, and review and revisions, if necessary, of OCD rules related to surface disposal of produced water and other oil field waste. Most gas plants, except several in the San Juan Basin, have approved discharge plans.

Refinery permitting has been more difficult due to the age of several, and pre-existing documented contamination at all operating and abandoned sites except one that has not received extensive ground water study. Permitting has been facilitated by separating issues of past contamination and remedial action from the discharge plan, unless continued discharges will cause changes in contaminant migration and concentration.

Prior to 1985, no restrictions on direct discharge of oil field produced water, or related wastes existed in the San Juan Basin. The OCD has now adopted rules to prohibit discharges to very shallow ground water and restrict larger discharges in areas of vulnerable ground water. An investigation to determine if additional restrictions are necessary is nearing completion. The OCD also has required that commercial and centralized surface disposal facilities in the San Juan Basin receive approval to operate. Permitting requirements for commercial surface disposal are expected to be extended statewide in 1988 and will supplement fresh water protection Order R-3221 in southeast New Mexico.

These priorities, plus the inevitable "brushfires," have meant that other issues such as cleanup of lesser spills and leaks, ground water contamination investigations, and discharge plans for service companies have received less attention. Although the loss of the hydrologist in January 1988, will further exacerbate these workload problems, realistically, no additional state funding for this fresh water protection position can be expected until the economics of the industry and the state improve. An alternative strategy based on partial funding from two different EPA programs is being pursued, but with no guarantee of success at this time.

An additional fresh water related problem that has recently received attention is the large number of production wells that have been shut-in or temporarily abandoned. The reason for this increase is that the lower price of oil and natural gas since 1985 has led to the shut down of marginal producing wells. However, these wells can not be left indefinitely in this condition because natural processes cause casing deterioration that can lead to interstrata communication and possible fresh water contamination. Over 7500 wells are now shut-in or temporarily abandoned, and OCD staff desire rule changes to require proper temporary plugging for wells shut-in for over six months. Such plugging would be allowed for a maximum of five years without reapproval. Several additional staff, mostly clerical, would be needed to administer the rule change, but the seriousness of the problem may require emergency consideration of the positions. If position savings are identified in other departmental programs, the possibility of transferring some of the positions targeted for elimination should be vigorously pursued.

SUMMARY

The OCD has an ongoing fresh water protection program staffed by persons knowledgeable in several engineering and scientific specialties needed for proper implementation of the program. The OCD is cognizant of potential contamination due to oil and gas activities, and enforces and revises state rules as necessary to protect this resource. Proper staffing is always crucial to every successful program, and OCD, like other agencies, has found that the demands for services by industry and the public is in conflict with budgetary constraints due to the general economic situation of the oil and gas industry and the state. Since the OCD administers mostly state regulatory programs, it is able to tailor and implement these in a manner to provide maximum effectiveness with available staff, and with a minimum of bureaucratic requirements. To continue to provide maximum frontline services, the OCD is pursuing alternative staffing strategies using existing state or federal funding sources.

REFERENCE

- Boyer, D.G. 1986. Differences in Produced Water Contaminants From Oil and Gas Operations in New Mexico - Implications for Regulatory Action. In Proceedings of the Conference of Southwestern Ground Water Issues, Tempe, Arizona, October 1986. National Water Well Association. pp. 291-316.

APPENDIX

WATER QUALITY CONTROL COMMISSION

DELEGATION OF RESPONSIBILITIES TO ENVIRONMENTAL IMPROVEMENT DIVISION AND OIL CONSERVATION DIVISION

In an effort to prevent duplication of effort and to clarify the division of responsibilities pursuant to the provisions of the Water Quality Act, NMSA §§ 74-6-1 et seq. (1978), as administered and enforced by the Water Quality Control Commission, the Commission hereby approves the following list of delegated duties and responsibilities for two of the agencies that are constituent agencies to which authority can be delegated, the Environmental Improvement Division ("EID") and the Oil Conservation Division ("OCD"). The Commission is specifically authorized to take this action by NMSA § 74-6-4E (1978) and by other general provisions of the Water Quality Act. The Commission notes that pursuant to NMSA § 74-6-9C (1978), constituent agencies may "report to the Commission and to other constituent agencies water pollution conditions that are believed to require action where the circumstances are such that the responsibility appears to be outside the responsibility assigned to the agency making the report." The Commission encourages OCD and EID to continue close communication and cooperation where responsibility is unclear, to ensure that water pollution is prevented or abated quickly, efficiently and consistently. In situations involving discharges or facilities under the jurisdiction of both agencies, the agencies shall mutually agree which shall be the lead agency and shall determine the method by which the discharge plan shall be evaluated and approved. In preparing this delegation statement, the Commission is cognizant of the limitations imposed on its authority by the Water Quality Act, especially NMSA § 74-6-12G (1978) which prohibits it from taking any action which would "interfere with the exclusive authority of the oil conservation commission over all persons and things necessary to prevent water pollution as a result of oil or gas operations..."

This delegation shall supersede all previous delegations to EID and OCD; reference to the dates and minutes of Commission meetings in which previous delegations were made are in parentheses and the minutes are attached. The specific grants of authority are not intended to be comprehensive. When a question of authority and jurisdiction arises, which is not specifically delegated, the general provisions below shall control.

1. General Provisions

As a general rule, OCD will administer and enforce applicable Commission regulations pertaining to surface and ground water discharges at oil and natural gas production sites, oil refineries, natural gas processing plants, geothermal installations, carbon dioxide facilities, natural gas transmission lines, and discharges associated with activities of the oil field service industry. The Commission recognizes that OCD also administers regulations under both the Oil and Gas Act and the Geothermal Resources Act, and that OCD shall have discretion as to which regulations to enforce in any given situation. OCD shall have jurisdiction over all activities associated with exploration for or development, production, transportation before refinement, refinement, storage or treatment of unrefined oil and natural gas, or oil or gas products on refinery premises.

EID will administer and enforce Commission regulations regarding discharges from transmission, transportation and storage facilities for oil or oil by-products after refinement (including but not limited to gasoline stations), except those within refinery premises. EID will administer and enforce all Commission regulations pertaining to all other discharges to surface and ground water which are not specifically delegated to other departments and agencies. (Source: 1/13/69 and 5/8/84 Commission minutes)

2. Specific Grants of Authority

A. EID shall certify §404 dredge and fill material permits under the Clean Water Act ("CWA"). (Source: 1/13/76 and 6/14/83 Commission minutes)

B. EID shall administer the Wastewater Construction Grants program pursuant to §205 of the CWA. (Source: 6/14/83 Commission minutes)

C. EID shall certify NPDES permits pursuant to Title IV of the Federal Water Pollution Control Act Amendments of 1972 and §402 of the CWA. (Source: 10/1/74 and 8/14/84 Commission minutes)

D. EID shall certify hydropower licenses issued by the Federal Energy Regulatory Commission. (Source: 8/14/84 Commission minutes)

E. EID shall administer and enforce Commission regulations pertaining to the disposal of human excrement and bath water at oil and natural gas production sites, oil refineries, natural gas processing plants, geothermal installations, carbon dioxide facilities and natural gas transmission lines when the treatment facilities for the sewage are a separate and isolated discharge unmixed with any produced water, oil field waste or oil field service waste. (Such an isolated discharge would include: a small sewage treatment plant, package plant, or septic tank and drainfield.) If, on the other hand, sewage is in a discharge combined or mixed with produced water, oil field waste or oil field service waste, OCD shall have jurisdiction. (Source: 5/8/84 Commission minutes)

F. EID shall administer and enforce Commission regulations at brine manufacturing operations and concerning discharges to ground or surface water at brine manufacturing operations, including all brine production wells, holding ponds and tanks. OCD shall have jurisdiction over all manufactured brine once it is transported, used or disposed of off brine plant premises for use in or directly related to oil and gas operations regulated by OCD. OCD shall regulate brine injection through its Class II Underground Injection Control (UIC) Program if the brine is used in the drilling for or production of oil and gas. EID shall regulate brine injection through its UIC Program if the brine is used for other purposes. (Source: 5/8/84 Commission minutes)

G. EID shall administer and enforce all programs implemented by the state under PL 92-500 (The Federal Water Pollution Control Act) and its Amendments, unless directed otherwise by the Commission. (Source: 7/8/75 Commission minutes)

II. OCD shall have general jurisdiction over the oil field service industry. Many activities that would ordinarily be regulated by EID are regulated by OCD when those activities occur in the oil field service industry. The following list, which is not intended to be inclusive, serves to help clarify this delegation:

OCD

waste oil handled or processed by oil field service companies or treating plants

all underground and above-ground tanks on refinery premises, unless the tanks contain unmixed sewage; all underground and above-ground tanks not on refinery premises which contain crude petroleum, produced water or oil field service chemicals

tanker trucks hauling, spilling or disposing of well-service chemicals, kill water, produced water, crude oil, tank bottom sludge and other oil field wastes and oil field service materials

washings from trucks and other equipment used in the transport, production or refining of oil and gas crude products, production wastes or service materials

EID

used motor oil handlers

all underground and above-ground tanks not on refinery premises, unless the tanks contain crude petroleum, produced water or oil field service chemicals

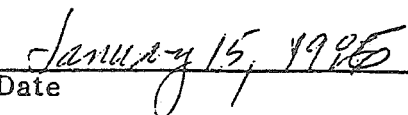
tanker trucks spilling or disposing of non-oil and gas production wastes, non-oil and gas service materials, or refined petroleum products

washings from trucks and other equipment not used for oil and gas production related purposes

Both EID and OCD are authorized to continue to take appropriate legal action in their respective areas of delegation (including initiating proceedings in court) on behalf of the Commission on a finding of good cause to believe any person is violating or is threatening to violate a Commission regulation or the Water Quality Act. The agencies shall send a copy of each Complaint, Settlement Agreement and Judgment to the Commission Secretary for distribution to Commission members. (Source: NMSA § 74-1-8.2(B) (1978), 2/8/71 and 1/11/83 Commission minutes)

WATER QUALITY CONTROL COMMISSION


By: Denise Fort, Chairperson (Hcbg)


Date