

Mary-Rose de Valladares

Thank you for the opportunity to comment on draft regulations for Title 20 Environmental Protection Chapter 6 Water Quality Part 8 Ground and Surface Water Protection – Supplemental Requirements for Water Reuse.

ATOME Energy PLC (ATOME) is a developer of green hydrogen, ammonia and fertilizer projects and products. Our view is that use of produced water for electrolytic production of hydrogen for industrial applications would open a sustainable production pathway for clean and green hydrogen energy both complementary and supplemental to the New Mexico's established, growing and nascent energy businesses.

It is fundamentally important to understand that industrial applications will not put treated produced water on the ground. Relative to definitions, there is inconsistency and/or need for clarification in the Definitions Section 20.6.8.7: I.3 "Industrial application" directs reader to C.6 "commercial application"; and R.4 "Reuse." Notably, A.4 "Applications" entirely excludes produced water: this is a glaring omission.

ATOME is a commercial enterprise. Thus, while demonstration projects can be useful to our business, we are largely interested in commercial type and scale activities. In any case, 20.6.8.400 B. Authorized applications does not define demonstration projects and reserves approval of demonstrations to NMED. Better definition and a transparent approval process are needed simply to enable non bench-scale demonstration projects.

Beyond demonstration, the process needs to contemplate commercial efforts in order to provide greater certainty to the business community. Better definitions and a clear approval process are all the more important – in fact requisite – to commercial investment.

As well, there are no effluent criteria. Such criteria should be identified and defined now – at the outset of the process to avoid the time and resource intensive processes of future regulatory revisions.

Thank you once again for the opportunity to comment. ATOME looks forward to working with the State of New Mexico, the New Mexico Environment Department and the Water Quality Control Commission on the rulemaking process for appropriate water quality regulations for produced water and ground surface water protection.