



New Mexico Environment Department



Radioactive and Hazardous Materials Interim Committee
Presented by James Kenney
Cabinet Secretary
October 2025



Agenda

- **Water Reuse**
- **Emerging Contaminants**
- **U.S. Department of Energy and National Nuclear Security Administration Oversight**



Water Reuse

October 2023:

Initiated a Two-Year Water Reuse Rule Development Process



**PRODUCED AND
TREATED PRODUCED**



**BRACKISH WATER
DESALINATION**



**RECLAIMED
WASTEWATER**



**COMMERCIAL
GRAY WATER**



**DIRECT AND
INDIRECT POTABLE**

Phase 1 rulemaking completed Spring 2025, effective July 12, 2025.

Phase 2 rulemaking planned for 2026 to build out additional water reuse pathways for surface and groundwater discharges for treated produced water, direct and indirect potable reuse of treated domestic wastewater.

See October 2023 Public Involvement Plan at <https://www.env.nm.gov/new-mexico-produced-water/wp-content/uploads/sites/30/2023/10/2023-10-19-WPD-GWQB-PIP-Reuse-Rule-SIGNED-JR.pdf> for more information.



Water Laws, Rules and Policies

Federal/State Law

Federal Clean Water Act

State Water Quality Act

2019 Fluid Oil and Gas
Waste Act (aka Produced
Water Act)

Federal/State Rules

Federal Regulations

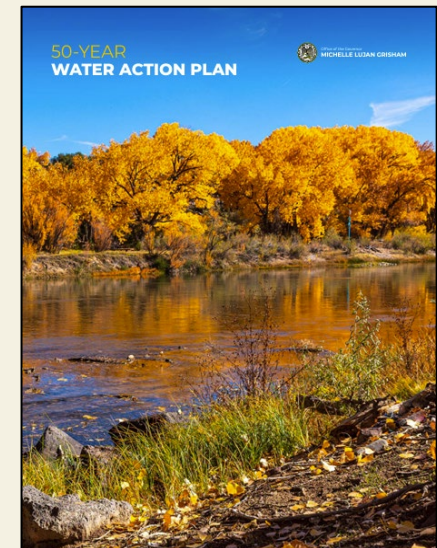
State Rules

Federal/State Policy

U.S. EPA Water Reuse Action
Plan [epa.gov/waterreuse](https://www.epa.gov/waterreuse)

Gov. Michelle Lujan
Grisham's 50-Year Water
Action Plan

2 P. shall adopt regulations to be administered by
3 the department of environment for the discharge, handling,
4 transport, storage, recycling or treatment for the
5 disposition of treated produced water, including disposition
6 in road construction maintenance, roadway ice or dust control
7 or other construction, or in the application of treated
8 produced water to land, for activities unrelated to the
9 exploration, drilling, production, treatment or refinement of
10 oil or gas; and





50 Year Water Action Plan



Spotlight: Water Reuse Rules

- Develop and implement comprehensive water reuse rules for potable and non-potable reuse of treated wastewater, including treated produced water
- Develop rigorous science-based regulations and permitting requirements to protect the environment and public health
- Ensure the necessary regulatory frameworks are in place by 2026 to maximize new water supplies



50 Year Water Action Plan

Strategic Water Supply

- Treat brackish water to provide new water supplies
- Provide new water for community uses
- Protect and preserve freshwater resources
- Promote robust local economies
- \$40 million appropriated for grants and contracts
- Application period closed in September 2025
- Awards are planned this calendar year





50 Year Water Action Plan

Reduce Leaks

- ❑ In 2025, we used ASTERRA to use satellite technology to locate underground leaks in five communities
- ❑ Water savings from these five communities:
 - 241.8 gallons per minute
 - 348,200 gallons per day
 - 127.8 million gallons per year
- ❑ Cost: \$283,317
- ❑ Equivalent to the amount of water in about 200 Olympic-sized swimming pools





Water Laws, Rules and Policies

Treated Produced Water Reuse in New Mexico

Produced Water: In general, requires advanced treatment processes to ensure the water is of sufficient quality before being reused or discharged.

- **Coal Bed Methane Produced Water:** Under current federal rules this produced water can be treated and discharged to surface water. Under current state rules, this produced water cannot be treated and discharged to surface water or groundwater.
- **Conventional Oil and Gas Produced Water:** Under current federal rules this produced water can be treated and discharged to surface water. Under current state rules, this produced water cannot be treated and discharged to surface water or groundwater.
- **Unconventional Oil and Gas Produced Water:** Under current federal and state rules, this produced water cannot be treated and discharged to surface water or groundwater.



Water Laws, Rules and Policies

Oil and Gas Agency Roles



Leases state lands for the exploration and production of oil and gas reserves and salt water (produced water) disposal wells. Note: the Bureau of Land Management performs the same function for federal lands.



Issues drilling permits for oil and gas well development and salt water (produced water) disposal wells.

Regulates produced water **on** oil and gas leases per state law and rule.



Issues air quality emission permits for oil and gas equipment, regulates radioactive materials.

Regulates produced water **off** oil and gas leases per state law and rule.



Regulates produced water under the Oil and Gas Extraction Effluent Guidelines and Standards (40 CFR Part 435) issued in 1979 and amended in 1993, 1996, 2001, and 2016.



Water Laws, Rules and Policies



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EPA/OW

RIN: 2040-AG42

Publication ID: Spring 2025

Title: •Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Category (40 CFR 435 Subpart E)

Abstract:

This proposed rulemaking would revise the existing effluent limitations guidelines that apply to discharge of oil and gas extraction wastewater (called produced water) found at 40 CFR 435 Subpart E. The current rule at Subpart E allows for discharge of produced water west of the 98th meridian if it is of good enough quality and if it has a use in agriculture and wildlife propagation. The rulemaking would evaluate increased opportunities for discharge of treated produced water by expanding the geographic area where such discharges can occur and evaluate increased opportunities to discharge for other uses (such as critical minerals extraction and industrial cooling water).

Agency: Environmental Protection Agency(EPA)

RIN Status: First time published in the Unified Agenda

Major: Undetermined

EO 14192 Designation: Deregulatory

CFR Citation: [40 CFR 435](#)

Legal Authority: secs. 301, 304, 306, 307, 308, 402, and 501 of the CWA, 33 United States Code (U.S.C.) 1311, 1314, 1316, 1317, 1318, 1342, and 1361

Legal Deadline: None

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule Stage

Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	10/00/2025	
Final Action	04/00/2026	



Water Laws, Rules and Policies

Produced Water Reuse in New Mexico

December 2023 Phase 1 rule making proposal:

11. Part 8 provides that any discharge of untreated produced water to groundwater or surface waters of the state is prohibited. See proposed 20.6.8.400(A)(1) and (A)(3) and (D).

12. Part 8 provides that no person shall cause or allow treated produced water to discharge so that it may move directly or indirectly into groundwater or surface waters of the state unless that person has obtained a discharge permit from the Department. See proposed 20.6.8.400(A)(2) and (A)(4).

13. Part 8 authorizes the Department to approve bench-scale or pilot projects involving produced water provided that the Department determines that there will be no discharge to groundwater or a surface water of the state. See proposed 20.6.8.400(A) and (B).



Water Laws, Rules and Policies

Produced Water Reuse in New Mexico

- Rulemaking lasted from Fall of 2023 through Spring of 2025
- Current state rules:
 - No untreated or treated produced water may be discharged into New Mexico's surface water or groundwater
 - Authorized produced water treatment pilot projects — with no discharge — subject to groundwater permitting
 - Rules in effect for five years before expiring
- Future rulemaking:
 - Focus on science-based standards that allow for fit for purpose applications, shift evidentiary, financial, and cost burden to industry
 - Require enhanced abatement standards for spills and releases



Water Laws, Rules and Policies

Water Reuse in New Mexico

Phase 2 rulemaking proposal:

- Produced water portion of the Phase 2 proposal now contingent on whether the WATR Alliance accepts NMED's technical and legal staff feedback.
- Phase 2 rule making petition planned for 2026 to build out potential water reuse pathways for surface and groundwater discharges for treated produced water, direct and indirect potable reuse of treated domestic wastewater.



Emerging Contaminants

PFAS Updates

1	TITLE 20	ENVIRONMENTAL PROTECTION
2	CHAPTER 13	PER- AND POLY-FLUOROALKY SUBSTANCES IN CONSUMER PRODUCTS
3	PART 2	PROHIBITIONS ON PRODUCTS CONTAINING PER- OR POLY-FLUOROALKYL
4		SUBSTANCES; CURRENTLY UNAVOIDABLE USE; REPORTING; LABELING;
5		TESTING; FEES AND PENALTIES

- ✓ October 6, 2025 – PFAS Protection Act implementation rules
- ✓ October 15, 2025 – Holloman Lake public health survey launched
- ✓ October 23, 2025 – PFAS Blood Testing Study Public Meeting in Clovis, New Mexico
- Ongoing:
 - NMED-funded research in La Cienega and La Cieneguilla
 - NMED-supplied private well testing/filter systems deployment in Curry County and Santa Fe County



Emerging Contaminants

Essential Research

- The U.S. EPA's Office of Research and Development (ORD) and universities play a critical role in developing the science, analytical methods, and technologies needed to protect water resources.
- However, ORD has been essentially dissolved under the current federal administration
- If the state wants to continue to access cutting-edge research, it needs to build its own research apparatus through university program funding





U.S. DOE and NNSA Oversight

Legacy Waste

Los Alamos National Laboratory Consent Order was renegotiated in August 2024

Waste Isolation Pilot Plant permit was re-issued in October 2023.

U.S. DOE continues to prioritize waste shipments and waste volume from Idaho National Labs.

CY25 (Through 10/6/2025)

Site	Total Shipments	Shipment Percentage	Volume Percentage
INL	231	66.5	76.27
LANL	68	19.6	16.16
ORNL	6	1.7	2.11
SRS	41	11.8	5.42
ANL	1	0.3	0.05
LLNL	0	0.00	0.00

CY24

Site	Total Shipments	Shipment Percentage	Volume Percentage
INL	341	72.55	84.64
LANL	48	10.21	6.74
ORNL	12	2.55	2.22
SRS	64	13.61	6.09
ANL	4	0.85	0.12
LLNL	1	0.21	0.19



U.S. DOE and NNSA Oversight

CY23

Site	Total Shipments	Shipment Percentage	Volume Percentage
INL	375	78.61	84.24
LANL	48	10.06	7.60
ORNL	18	3.77	4.54
SRS	27	5.66	3.03
ANL	5	1.04	0.10
LLNL	4	0.83	0.49

CY22

Site	Total Shipments	Shipment Percentage	Volume Percentage
INL	150	55.14	52.92
LANL	86	31.61	30.82
ORNL	17	6.25	7.68
SRS	16	5.88	8.59
ANL	0	0	0.00
LLNL	3	1.10	0.00

CY21

Site	Total Shipments	Shipment Percentage	Volume Percentage
INL	122	58.35	53.73
LANL	56	26.70	23.84
ORNL	21	10.04	14.95
SRS	8	3.82	6.45
ANL	0	0	0.00
LLNL	2	0.95	.89
WCS	1	.46	.08



U.S. DOE and NNSA Oversight

ENVIRONMENT

U.S. Dept. of Energy steps up plutonium pit manufacturing at Savannah River Site

The site is part of the nation's effort of "re-establishing capabilities retired after the Cold War," the national nuclear stockpile plan stated. And also, provide a home for another data center.



Jillian Magtoto

Savannah Morning News

Updated Oct. 9, 2025, 8:59 a.m. ET

New Mexicans are shouldering greater defense efforts while legacy waste remains a lesser priority by U.S. DOE/NNSA.

Delayed pit production placing greater pressures on Los Alamos National Laboratory.

And within the past month, the DOE has stepped its foot on the gas.

On Sept. 18, it announced the [construction of new work fronts](#) to accelerate the buildout of the Savannah River Plutonium Processing Facility (SRPPF) estimated to cost up to [\\$25 billion](#) and hoped for completion by 2030, its press release stated—two years ahead of [schedule](#). A week later, the DOE announced it will host a public information session from [4 p.m. to 7 p.m.](#) at [Nancy Carson Library](#) on [Oct. 23](#) before it submits its permit application for the SRPPF's hazardous waste storage.



U.S. DOE and NNSA Oversight

- U.S. EPA authorized NNSA to vent four flanged tritium waste containers (FTWCs) for tritium-caused pressure
- NNSA then sought NMED approval which was granted with conditions in September 2025
- No pressure detected during treatment and emissions released were near-zero
- NNSA public engagement and communications were lacking

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Flanged Tritium Waste Containers



Flanged Tritium Waste Containers

The main objective of radioactive waste management is to protect workers, the public and the environment from the potential harmful effects of radioactive waste and to minimize the burden for future generations.

FRIDAY, 10/10/2025 – 9:30 AM

UPDATE FROM THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO THE NEW MEXICO ENVIRONMENT DEPARTMENT

The New Mexico Environment Department received an update from the National Nuclear Security Administration (NNSA) on its flanged tritium waste container treatment.

NNSA reports that they have started operations with no issues.

The NNSA is in the best position to provide accurate and real-time updates to the public and is posting updates through its website at www.lanl.gov/engage/environment/ftwc.

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U.S. DOE and NNSA Oversight

Next Steps:

Los Alamos National Laboratory

- Review tritium data and compliance history
- Consent Order and Agreement – Pursuing dispute resolution.
- MDA C is an 11.8-acre landfill consisting of 115 subsurface waste disposal units reported to dispose of hazardous waste, uncontaminated classified materials, and low-level radioactive wastes.

Waste Isolation Pilot Plant

- NMED is evaluating compliance with permit conditions related to legacy waste clean-up and shipments from Los Alamos National Laboratory.