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## **Gov's office, NMED secretary improperly pressuring water commissioners to green-light fracking waste discharge to surface, groundwater**

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**Santa Fe, NM** — [Newly revealed](#) emails show the governor's office and New Mexico Environment Department (NMED) Sec. James Kenney are inappropriately directing members of the New Mexico Water Quality Control Commission to advance an oil and gas industry proposal to allow the discharge of treated "produced water"—toxic oil and gas wastewater—into New Mexico's ground and surface waters. In May, the WQCC adopted a rule banning the discharge of treated and untreated fracking wastewater because, as a New Mexico Oil and Gas Association expert witness testified, the technology to achieve safe treatment at scale "isn't there yet."

The WQCC, a state body charged with adopting and enforcing water quality standards to protect human health and the environment for both ground and surface waters, is required to hear and consider scientific evidence and public comment *before* making decisions that could adversely affect New Mexico's water resources.

Emails from Sec. Kenney and the governor's office reveal commissioners were effectively told to vote to advance a petition by WATR Alliance, an oil and gas industry group, before the WQCC heard the merits of the petition. The WQCC is supposed to be an impartial rulemaking body that is required to base its decisions on the scientific record before it, not on politics.

"The commission is responsible for protecting New Mexico's precious water resources based on science," said **Tannis Fox, senior attorney at the Western Environmental Law Center**. "The governor's office however is charging its agency heads who sit on the commission to get WATR's reckless petition 'over the finish line' without regard for public health, the environment, or even the facts. The governor's office and Environment Department secretary's political interference is unacceptable.

This interference irreparably undermines the commission's credibility to render an impartial decision and WATR's petition should be dismissed."

"At a time when we are seeing institutional norms and government integrity disintegrate before our eyes at the federal level, it is devastating to see a similar lack of integrity at the state level," said **Rachel Conn, deputy director of Amigos Bravos**. "We depend on the Water Quality Control Commission to impartially make decisions based on the evidence before them. That hasn't happened here and as a result, the commission has placed our waters and communities at risk."

In May, the commission adopted the prohibition against all discharge of produced water based on a proposal from NMED that was supported by expert testimony from NMED staff scientists. But now NMED management is not authorizing those same scientists to participate in the new rulemaking that would allow discharge. In the commission's 58-year history, there has never been a rulemaking on a rule that NMED will implement in which NMED staff did not participate as a party. NMED scientists should be allowed to participate in the hearing and evaluate whether the WATR Alliance's proposal protects New Mexico water resources, public health, and the environment.

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