

How to apply for a C-133 (Authorization to Move Produced Water in New Mexico)

*Instruction as of **December 15, 2021**. Names, contact numbers and specifics may change in the future. It is the responsibility of the applicant to always stay apprised of the changes*

Who is required to obtain an approved Form C-133?

Pursuant to 19.15.34.17.A NMAC, “A person shall not transport produced water, drilling fluids or other liquid field waste, including drilling fluids and residual liquids in oil field equipment, except for small samples removed for analysis, by motor vehicle from a lease, central tank battery or other facility without an approved form C-133, authorization to move liquid waste. The transporter shall maintain a photocopy of the approved form C-133 in the transporting vehicle.”

C-133 Application process

1. A corporation, limited liability company, partnership, or limited partnership, must register with the New Mexico Secretary of State to do business in New Mexico prior to obtaining a Warrant for Transportation Services (Step 2 below) or submitting their C-133 application (Step 5 below). A Sole Proprietor applicant does not need to register with the Secretary of State.
2. Obtain a Warrant for Transportation Services for Transportation of General Commodities from the New Mexico Public Regulation Commission (NMPRC), Transportation Division.
 - Contact Yvette Hetzer (505) 470-9053 and/or Crystal Boies (505) 699-6232 with the NMPRC Transportation Division. Once you obtain a Warrant for Transportation Services for Transportation of General Commodities, and then proceed to Step 3.
3. Register your company contact information to obtain authorization to operate and move produced water through the following OCD Permitting hyperlink:
<https://wwwapps.emnrd.state.nm.us/OCD/OCDPermitting/Register/Create/RegisterContact.aspx?type=WaterHauler>. OCD will send an email with instruction on how to setup your Administrator account. Once the account is setup, you will be able to sign-in to your account at the following OCD Permitting hyperlink and submit the C-133 application and a copy of the warrant: <https://wwwapps.emnrd.state.nm.us/OCD/OCDPermitting/default.aspx>.
4. Retrieve a Form C-133 application located on the OCD website Forms page (<https://www.emnrd.nm.gov/ocd/ocd-forms/>). The forms are listed numerically. A PDF and WORD format of the form are both available. The PDF form allows information to be entered electronically. Enter all applicable information on the form, sign and save as a PDF

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for the submittal process. Also prepare a PDF copy of the Warrant for Transportation Services.

- Fill out the application. The transporter company name on the Form C-133 must be identical to the company name on the Warrant for Transportation Services and in the New Mexico Secretary of State database, if not a sole proprietor.
 - Please ensure the physical business address provided on the Form C-133 is identical to the company's physical business address in the New Mexico Secretary of State database, if not a sole proprietor.
 - Fill out all areas of the Form C-133 pertaining to your company (transporter).
 - Please be legible. If OCD is not able to read the information provided on the C-133 form, it will not be able to initiate the review and may result in a denial.
 - You must provide an email address. OCD will email approvals to the applicant. Applicants will also be able to obtain a copy of their C-133 approval through their Administrator account by tracking their request by choosing the "Action Status" under the "Data Operator" drop-down options.
 - OCD only corresponds to the transporter company (applicant) identified on the Form C-133. The OCD will not correspond with any third-party consultants in this process. Consultants and/or agents for the applicant shall not provide any of their information on the Form C-133 or sign for the applicant. Provide only the applicant's information on the Form C-133.
5. OCD charges a \$150.00 fee to process C-133 applications. The online permit fee collection can only be accessed through the OCD Permitting website: <https://www.wapps.emnrd.state.nm.us/OCD/OCDPermitting/default.aspx>. In the upper right corner of the screen click on "Sign In" and sign into your Administrator account. Once signed in, place your cursor on "Submissions" (upper right corner of screen) and select "All OCD Forms" from the drop-down options. Scroll down the page to C-133 and select the C133A option for new submittals, the C-133B option to amend the business address and/or contact information, and the C-133C option to notify OCD that the company is no longer in business and to cancel an existing approval. By following the step-by-step process, you will attach a PDF of the completed and signed C-133 and a PDF copy of the transportation warrant to the request for a C-133A or C-133B request and click on "Submit to OCD" in the bottom left of the screen. You will be directed to the payment site authorize.net. Payments can only be made by credit card. OCD will not initiate the review process until the fee payment is confirmed. OCD will only accept electronic submittals; scanned C-133 and transportation warrant attached prior to making the fees payment. Please obtain the latest version of the Form C-133 from the OCD hyperlink above in Step 4. Submittal of an earlier

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version of the Form C-133 will be denied. The applicant will be required to reapply using the latest version of the Form C-133 and will be subject to an additional \$150.00 fee.

6. To process the C-133 submittal, the OCD only needs the Form C-133 (completed and signed) and a copy of the Warrant for Transportation to initiate the review. If approved, the OCD will return the signed Form C-133 to the applicant; along with a copy of the regulations, 19.15.34 NMAC, that specifies the conditions and limitations of the approval. To demonstrate compliance and approval pursuant to 19.15.34.17.A NMAC “The transporter shall maintain a photocopy of the approved form C-133 in the transporting vehicle.”

If you have any questions, please contact Brad Jones at (505) 469-7486 or brad.a.jones@state.nm.us.

Submitting a Form C-133 **DOES NOT** deem the application approved.

Pursuant to 19.15.34.17.C NMAC, “The division shall post a list of currently approved form C-133s, authorization to move liquid waste, on its website. The list of form C-133s posted on the division’s website on the first business day of each month shall be deemed notice of valid form C-133s for the remainder of the month.”

ADDITIONAL INFORMATION

1. **Transporter Name Change.** The OCD tracks all transporters by their company name. If an approved transporter changes their company name, please register the new company name with the New Mexico Secretary of State, obtain a new Warrant for Transportation Services reflecting the new company name, and reapply with a new Form C-133. Submit a new C-133A along with a PDF of the warrant reflecting the new company name and payment of the \$150.00 fee through the OCD Permitting website.
2. **Physical Business Address Change.** If an approved transporter changes their physical business address, please update this information with the New Mexico Secretary of State and obtain a new Warrant for Transportation Services reflecting the physical business address change, prior to reapplying with the OCD. Please reapply and submit via a C-133B with the updated C-133 along with a PDF of the new warrant both reflecting the physical business address change and payment of the \$150.00 fee through the OCD Permitting website. The OCD will update their database to reflect the changes and reissue

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an approval to the new Form C-133 reflecting the address change. Future contact by the OCD may be necessary and transporter information should be kept current.

3. **Cancelling an Existing Approval.** If an approved transporter is no longer going to be a hauler in New Mexico, they shall inform the OCD in a letter to remove them from the approved hauler list and submit a C-133C and a PDF of the letter through the OCD Permitting website. No fee payment is required for a cancellation request.
4. **Contact Information Change:** If an approved transporter changes their contact mailing address and/or phone number information, please update the appropriate information with the New Mexico Secretary of State, prior to updating your company registration with the OCD. If your company has completed the registration process and has setup your administrator account, as identified in Step 3 of page 1 above, then sign into your account and update the mailing contact information. Once signed in, place the cursor on the Administration option, upper right screen, choose Operator Management, then Address and Contact Information and update the contact information accordingly. If your company does not have an administrator account, then complete the registration process identified in Step 3 of page 1 of this guidance. The contact information can be updated while setting up the administrator account. There is no fee payment to complete this process. Future contact by the OCD may be necessary and transporter information should be kept current.
5. **Waste Hauler Permit Number.** A permit number is given to approved haulers, but OCD does NOT require the hauling company to label their trucks with this number. The permit number will be noted within the approved e-mail/letter sent to the approved hauler at that time for tracking purposes. To demonstrate compliance and approval pursuant to 19.15.34.17.A NMAC, the transporter shall maintain a photocopy of the approved form C133 in the transporting vehicle.
6. **Permit Expiration.** An approved C-133 permit does not expire. However, the permit will be no longer valid if a transporter changes their company name and/or business address without reapplying. Transporters may also have their authority cancelled or suspended for violating OCD or other state or federal environmental regulations and/or laws.