

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

Instruction as of June 23, 2020. Names, contact numbers and specifics may change in the future. The applicant shall stay apprised to changes at all times.

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.” The hauling of “fresh” water does not require permitting by the Oil Conservation Division (OCD).

C-133 Application process

1. If a corporation, limited liability company, partnership, or limited partnership, register with the **New Mexico Secretary of State** to do business in New Mexico, prior to obtaining a Warrant for Transportation Services and submitting the C-133 application. A Sole Proprietor applicant does not need to perform this step.
2. Obtain a **Warrant for Transportation Services for Transportation of General Commodities** from the New Mexico Public Regulation Commission (NMPRC) office, **Transportation Division**.
 - Contact Annissa Ortiz, (505) 695-8949 with the NMPRC Transportation Division. Once you obtain a Warrant for Transportation Services, and then proceed.
3. Retrieve a Form C-133 application located on the OCD website, forms page (<http://www.emnrd.state.nm.us/OCD/forms.html>). The forms are listed numerically. A PDF and WORD form are available. The PDF form is capable of entering information electronically. Enter all applicable information on the form, print, sign and submit with an attached copy of the Warrant for Transportation Services. As of July 1, 2019, OCD is now charging a \$150.00 fee to process C-133 applications. The new online permit fee collection can only be accessed through the OCD E permitting website: <https://wwwapps.emnrd.state.nm.us/ocd/ocdpermitting/default.aspx>. By following the step-by-step process, 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 can be confirmed and/or demonstrated. OCD will accept electronic submittals; scanned C-133 and warrant attached while making the fees payment is the preferred method to submit, or a

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hardcopy C-133 submittal faxed/mailed with the fee payment confirmation attached. Or you may choose to print out the WORD Form C-133 and hand write all information then submit. Please obtain the latest version of the Form C-133, (*currently August 1, 2013*) from the OCD hyperlink above. The submittal of an older version of the Form C-133 will not be processed. The applicant will be required to reapply with the latest revision of the Form C-133 application.

- Fill out application. The transporter company name on the Form C-133 application shall be identical to the company name on the Warrant for Transportation Services and is recognized 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 application is identical to the company's physical business address on the Warrant for Transportation Services and is recognized in the New Mexico Secretary of State database.
 - Fill out all areas of the Form C-133 pertaining to your company (transporter).
 - Be legible. Previous illegible applications have haulers calling a month later asking the status of their application and ask why the OCD didn't contact them on questions. The OCD could not read their hand writing for all contact information and did not know how to contact the applicant to resolve issues/concerns.
 - Please provide an email address. OCD will email approvals to the applicant if provided. If email is not available, OCD will mail hardcopy approvals to the contact mailing address provided on the form.
 - The OCD only corresponds to the transporter company (applicant) identified on the Form C-133 application. 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 application or sign for the applicant. Only provide the applicant's information on the Form C-133.
4. To process the C-133 application 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 and when 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.”**

Submit the Form C-133 application, including the required attached copy of the Warrant for Transportation Services and payment confirmation, through the OCD E permitting website: <https://wwwapps.emnrd.state.nm.us/ocd/ocdpermitting/default.aspx> or mail to

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the address is located on C-133 Form, Attention Brad Jones, OCD Environmental Bureau or fax to (505) 476-3462, Attention Brad Jones, OCD Environmental Bureau.

If you have any questions, please contact Brad Jones at (505) 476-3487 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-133 along with a Warrant for Transportation reflecting the new company name. If the previous approved transporter is no longer going to be a hauler in New Mexico, they shall inform the OCD in a letter or e-mail to remove them from the approved hauler list.
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 notifying the OCD. Please provide notice to the OCD Santa Fe office of the address change. Reflect these changes on a new Form C-133, attach the new Warrant for Transportation Services reflecting the address change, and submit. Attach a letter or within the e-mail, stating the reason for this submittal. The OCD will update their database to reflect the changes and reissue an approval to the new Form C-133 reflecting the address change. Future contact from the OCD may be necessary and transporter information should be kept current.
3. **Contact Information Change:** If an approved transporter changes their contact information, please update this information with the New Mexico Secretary of State, prior to notifying the OCD. Please provide notice to the OCD Santa Fe office of the address change. Reflect these changes on a new Form C-133. Attach a letter or within the e-mail, stating the

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reason for this submittal. The OCD will update their database to reflect the changes and reissue an approval to the new Form C-133 reflecting the contact information change. Future contact from the OCD may be necessary and transporter information should be kept current.

4. **Waste Hauler Permit Number.** The State of New Mexico Oil Conservation Division does NOT require any approved haulers in New Mexico to label their trucks with a number. A number is given to the approved hauler. Details of that number will be noted within the approved e-mail/letter sent to the approved hauler at that time for database purposes and tracking of the administrative record. Pursuant to 19.15.34.17.A NMAC “The transporter shall maintain a photocopy of the approved form C-133 in the transporting vehicle.” In accordance with 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.”

5. **Permit Expiration.** An approved C-133 permit does not expire. There is no renewal. However, it will be nullified if an approved transporter changes their company name and/or physical business address as noted on the C-133 application and not reapply. Transporters may also have their authority withdrawn for violating OCD or other state or federal environmental regulations and/or laws. If a name change happens, the applicant/transporter shall reply as a new company under the new name. See instructions above under *Transporter Name Change*. If a physical business address change happens, the applicant/transporter shall reply to update the permitted business location. See instructions above under *Physical Business Address Change*.