

Class VI Primacy Update

Briefing Presentation to the
Radioactive & Hazardous Materials Committee

Energy, Minerals and Natural Resources Department



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Agenda

- 1) Well Classes and Requirements
- 2) National State-of-Play
- 3) NM Class VI Program, Progress & Timeline

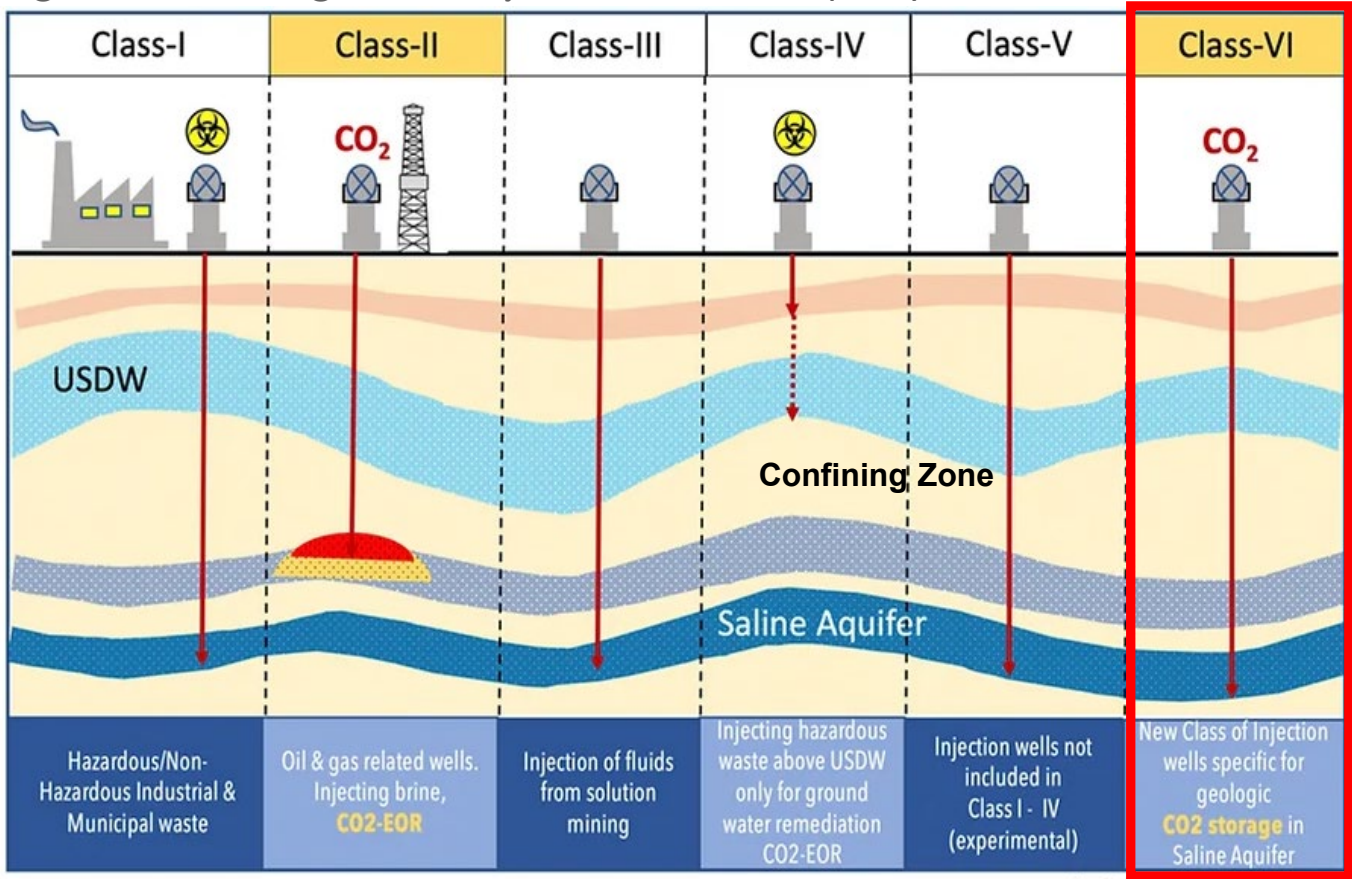


Well Classes and Requirements

Primacy Over Underground Injection Control (UIC) Wells is Not New

For over 40 years, New Mexico has had primacy over Class I, II, III, IV and V wells

Figure 1: Underground Injection Control (UIC) Well Classes

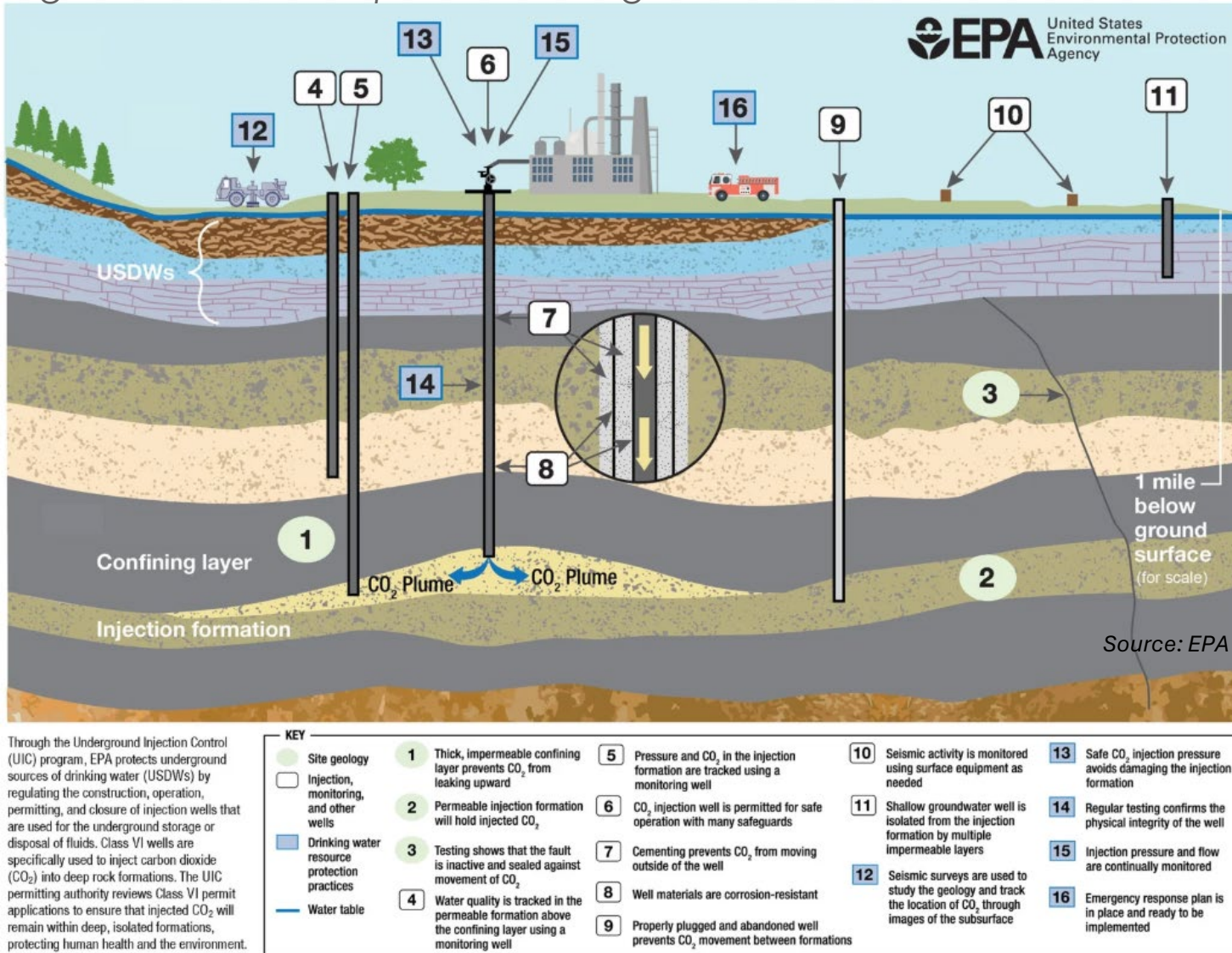


Well Class	New Mexico Primacy Dates
I	8/10/1983
II	3/7/1982
III	8/10/1983
IV	8/10/1983
V	8/10/1983

- In 2027, New Mexico is expected to receive Class VI Primacy approval from the EPA
- Benefits of New Mexico securing Class VI Primacy
 - Faster, predicable permitting
 - Stronger environmental protection
 - Greater state control and regulatory certainty
 - Enhanced economic development
 - Integration with NM's existing CO2 injection expertise
 - Tailored long-term liability and monitoring frameworks

Class VI Wells

Figure 2: Carbon Sequestration Program Overview



A Class VI well is a purpose-built injection well designed to pump carbon dioxide (CO₂) deep underground into stable geologic formations for long-term storage, ensuring the injected CO₂ remains securely contained within those formations.

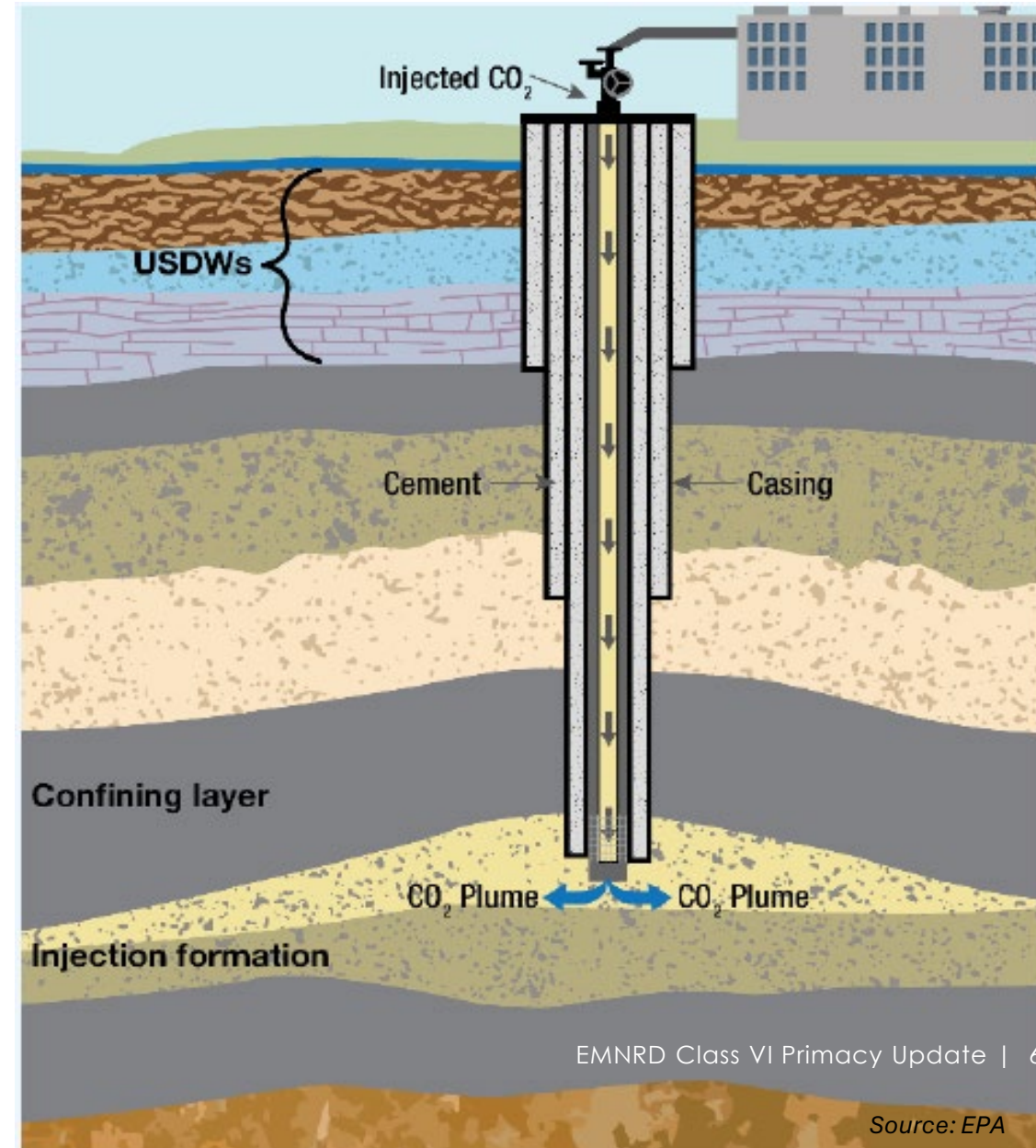
- Serve as a key component of carbon capture and storage (CCS) strategies
- Regulated under the UIC Program to protect Underground Sources of Drinking Water (USDW)

Class VI Wells

Class VI wells use advanced construction, rigorous operating standards, and continuous monitoring to ensure injected CO₂ stays permanently confined in deep geologic formations and does not impact groundwater or public safety.

- Built using advanced injection well construction techniques
- Operated under strict pressure and well-integrity controls
- Include continuous monitoring of CO₂ movement and groundwater
- Require robust mechanical testing throughout the entire well lifecycle

Figure 3: Class VI Well Construction & Integrity Controls



Class VI Wells CO₂ Storage Requirements

Class VI wells use enhanced construction, strict operating controls, and continuous, long-term monitoring to guarantee that injected CO₂ remains securely contained in deep geologic formations, protecting groundwater and public safety.

CO₂ Special Considerations

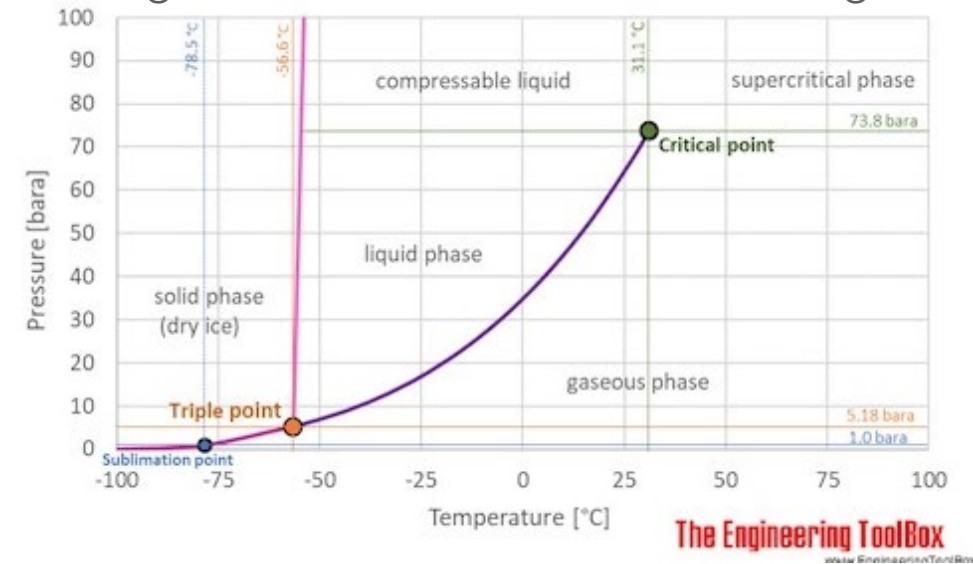
- Large Injection Volumes
- Buoyancy
- Viscosity & Mobility
- Corrosivity
- Compressibility & Phase Behavior



Class VI Elements

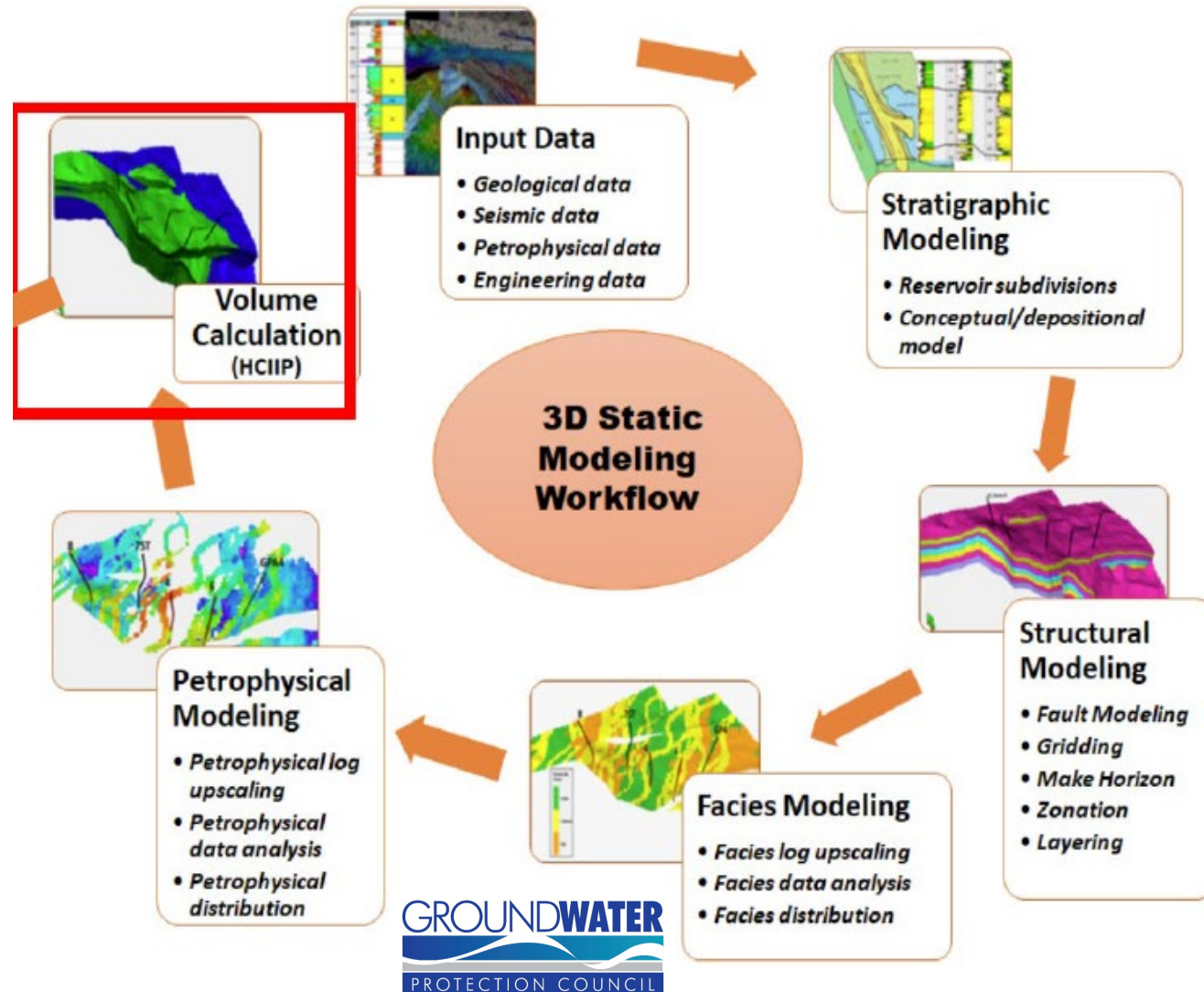
- Site Characterization
- Area of Review (AoR)
- Well Construction
- Well Operation
- Site Monitoring
- Well Plugging
- Public Participation

Figure 4: Carbon Dioxide Phase Diagram



Class VI Wells Modeling and Monitoring Requirements

Figure 5: AoR Computational Modeling Workflow



Class VI wells use comprehensive geologic review, advanced predictive modeling, and decades of post-injection monitoring to ensure injected CO₂ stays securely contained underground for the long term, with safeguards that identify risks early and verify continued protection of groundwater and communities.

- Require comprehensive Area of Review (AoR) assessments
- Utilize advanced predictive modeling to evaluate CO₂ movement and long-term reservoir performance
- Includes long-term post-injection monitoring and site care



National State-of-Play

National Class VI Primacy Activity

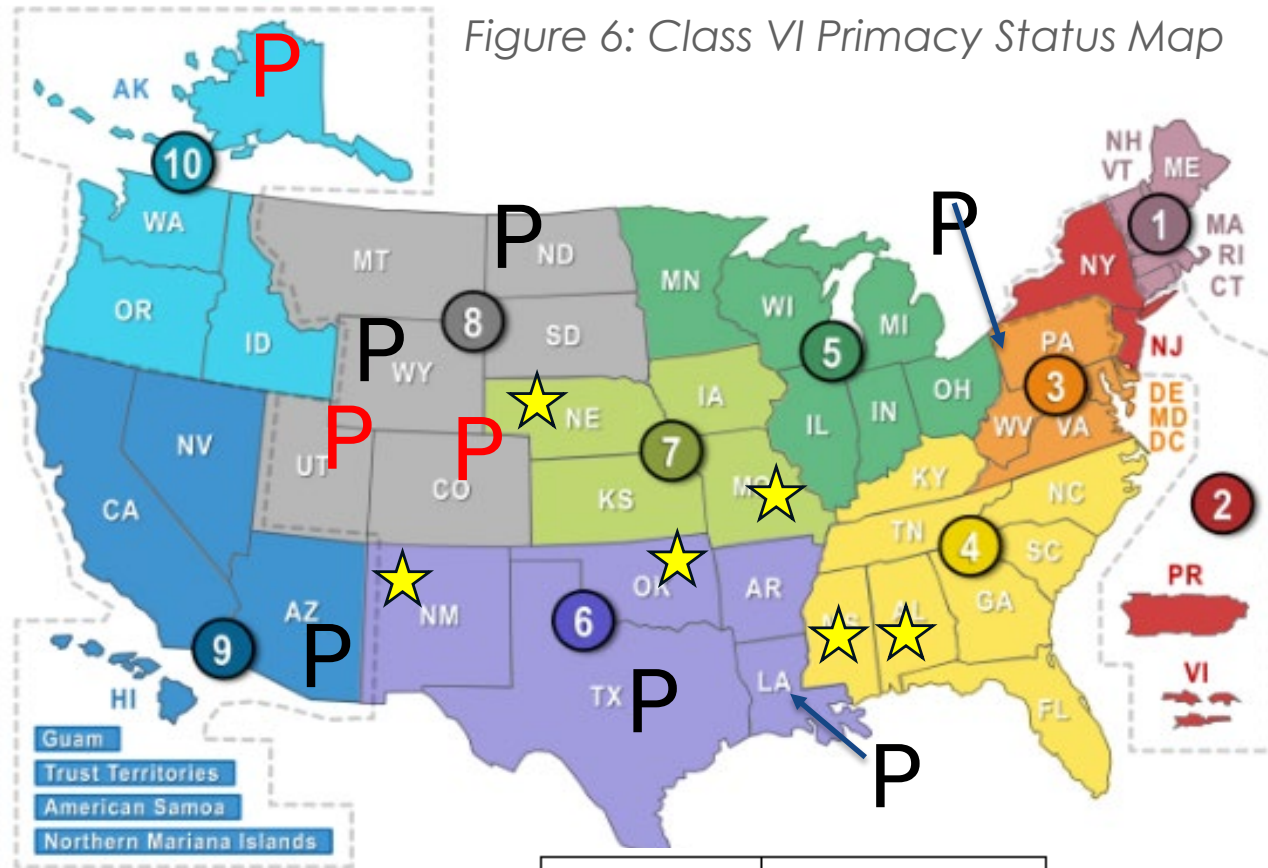


Figure 6: Class VI Primacy Status Map

Primacy State	State Primacy Program Start Date
ND	4/24/2018
WY	10/9/2020
LA	2/5/2024
WV	2/18/2025
AZ	10/15/2025
TX	12/15/2025

P = Granted Primacy

P = Final Application Stages

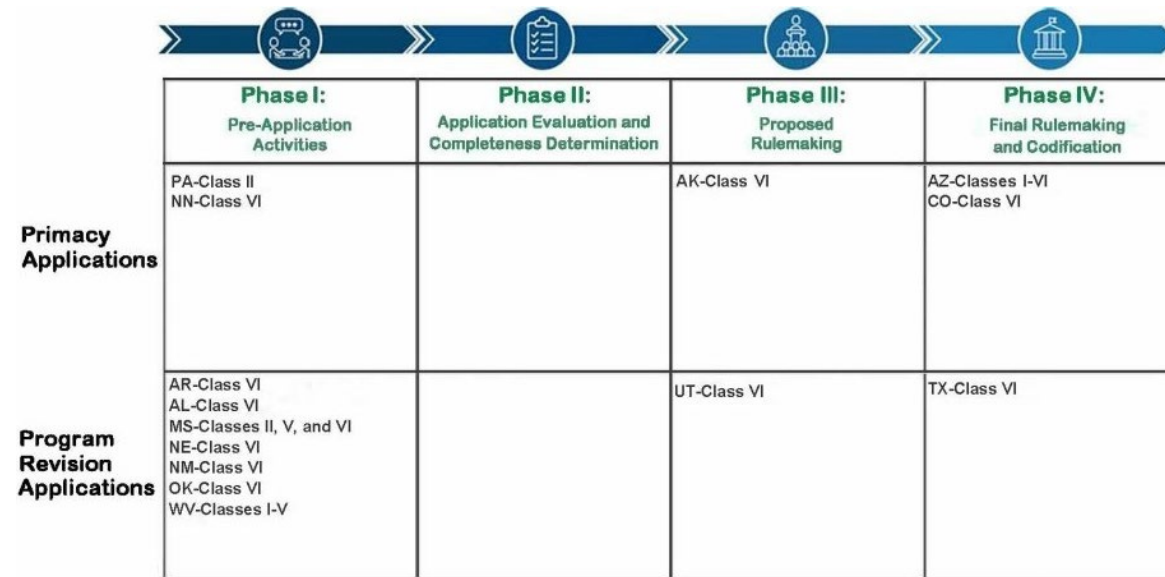
★ = Pre-Application Activities

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Figure 7: States Advancing Toward Class VI Primacy



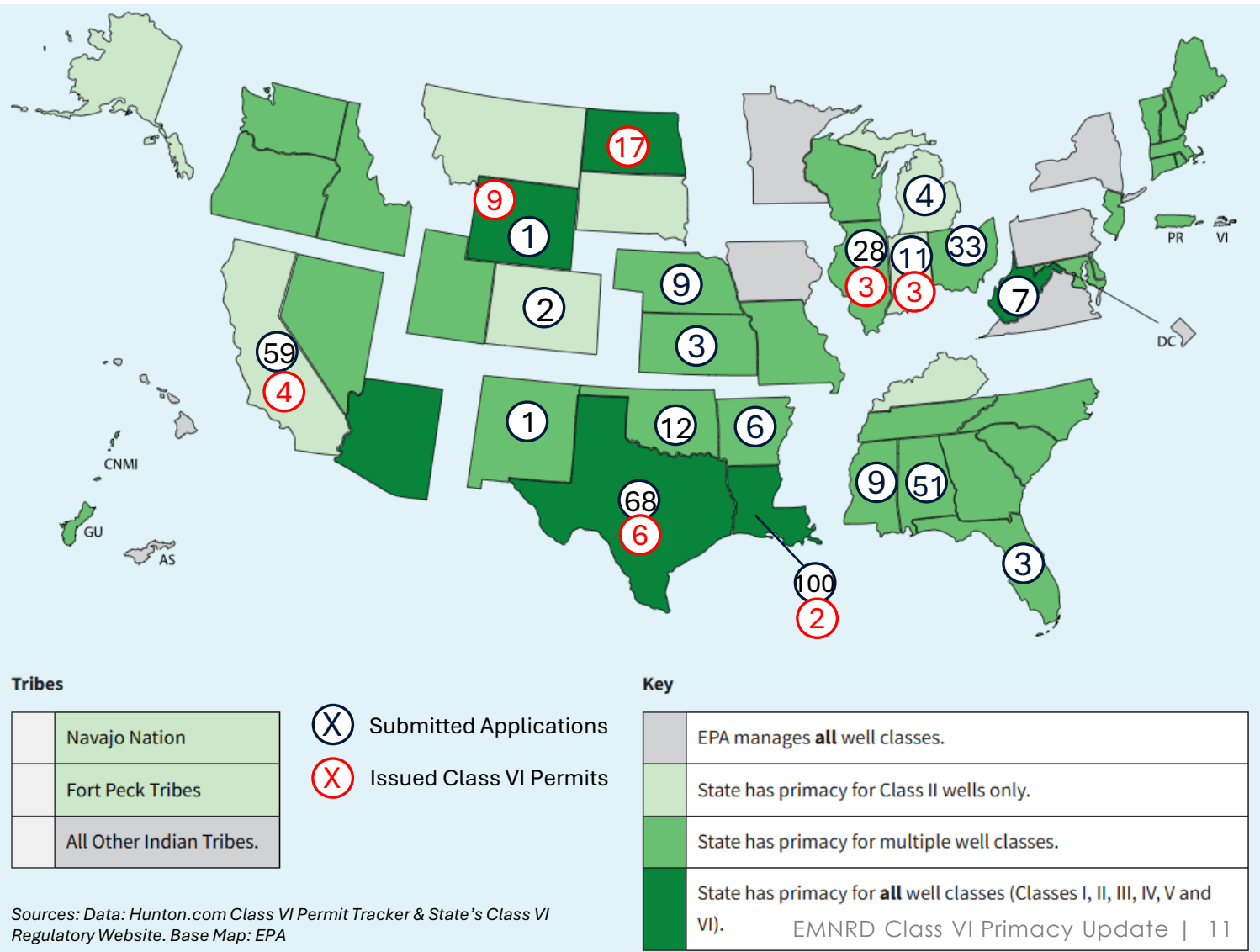
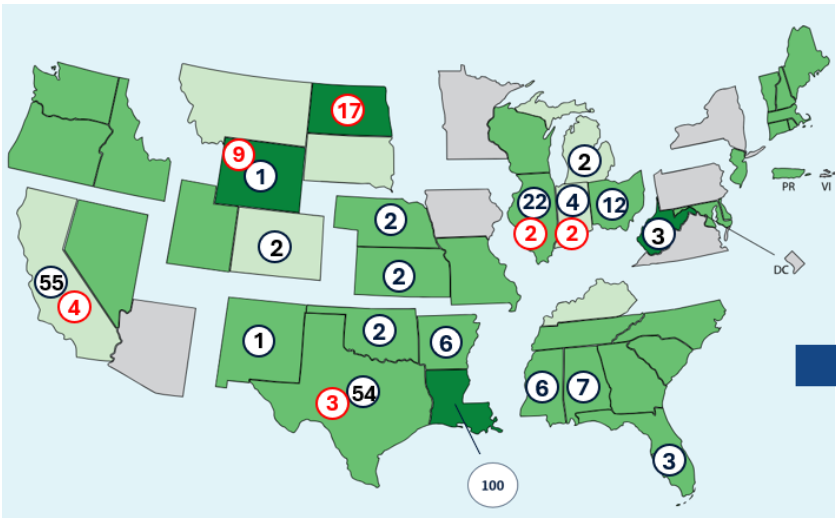
Source: EPA

- New Mexico added to EPA Class VI Primacy tracker September 4, 2025
- Currently 6 states hold primacy: ND, WY, LA, WV, AZ, TX
- CO is in the final stages and AK and UT nearing the final stages.
- NM, Navajo Nation, AR, AL, MS, NE, OK are in pre-application activities

Acceleration of National Class VI Permitting (9/2/25 → 6/16/26)

Figure 9: Class VI Permitting Activity as of 6/16/26

Figure 8: Class VI Permitting Activity as 9/2/25



From Sept-25 to Jun-26

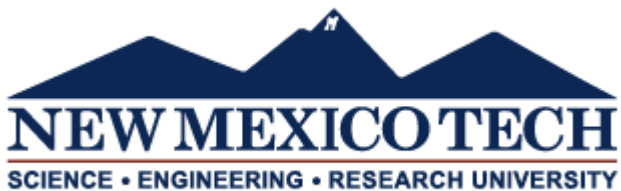
- **Applications 321 → 451 (40% increase)** Most active MS, TX, NE, OK & AR
- **Permits Issued 37 → 44 (19% increase)** Most active TX, LA, IL & IN



NM Class VI Program, Progress & Timeline

New Mexico Class VI Primacy Overview

New Mexico is building a technically strong, well-resourced Class VI primacy program—staffed by experts, supported by federal funding, and tailored to the state's geology—to ensure safe, long-term CO₂ storage and rigorous protection of groundwater and communities.



EPA Region 6

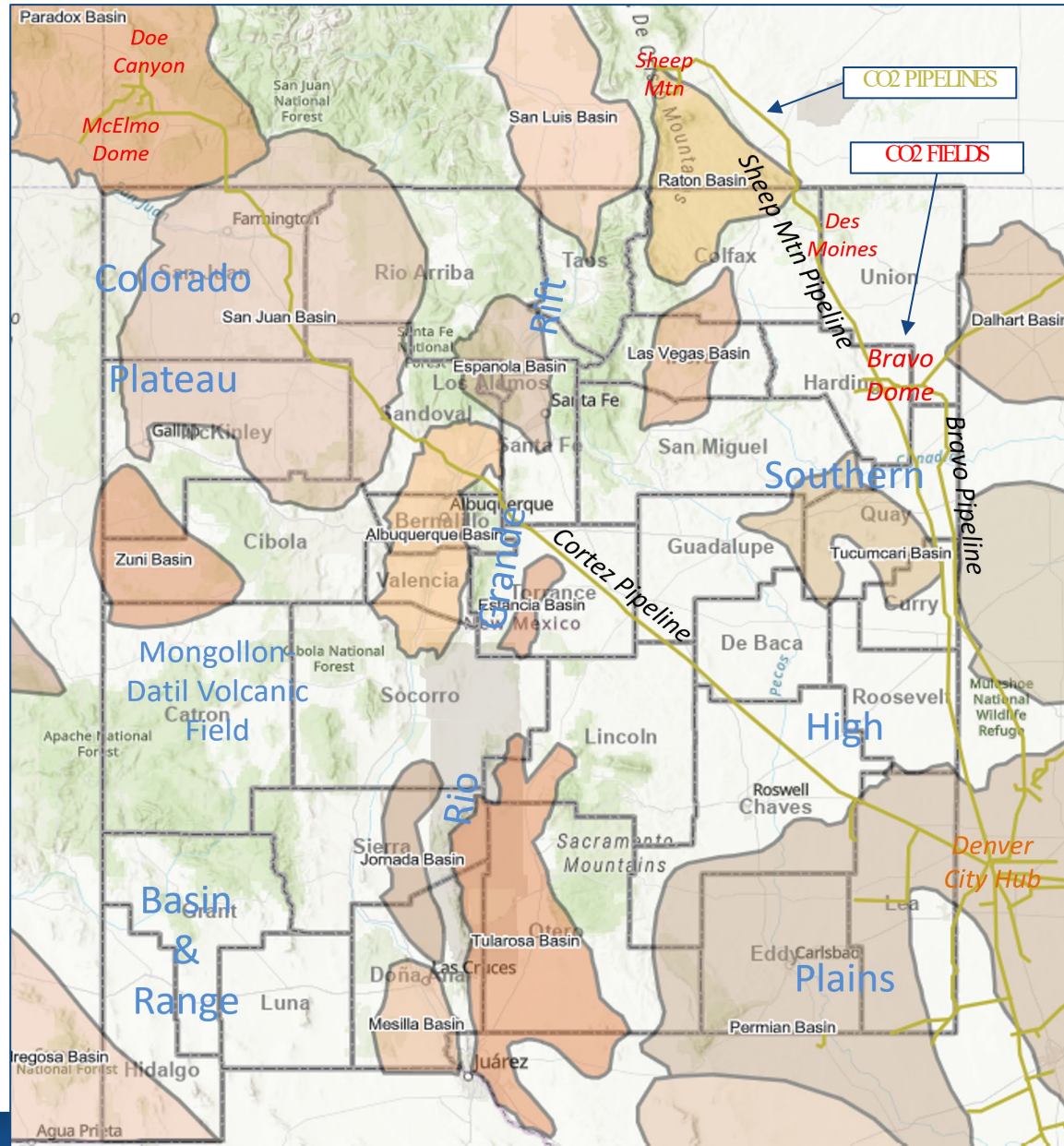
Region 6 serves 5 states and 66 tribes



- EMNRD has assembled a well-qualified team with strong project management, petroleum engineering, hydrology, reservoir evaluation, permitting expertise, and field inspection experience to launch New Mexico's Class VI program.
- New Mexico is designing its program to reflect the state's unique geology, energy landscape, and environmental values.
- New Mexico has applied for \$1.93 million in federal funding to the EPA to support its pursuit of Class VI primacy under the Safe Drinking Water Act. The grant approval expected in Sept-2026.

Strong Geologic Foundation for Long-Term CO₂ Storage

Figure 10: NM CO₂ Storage Potential & Infrastructure



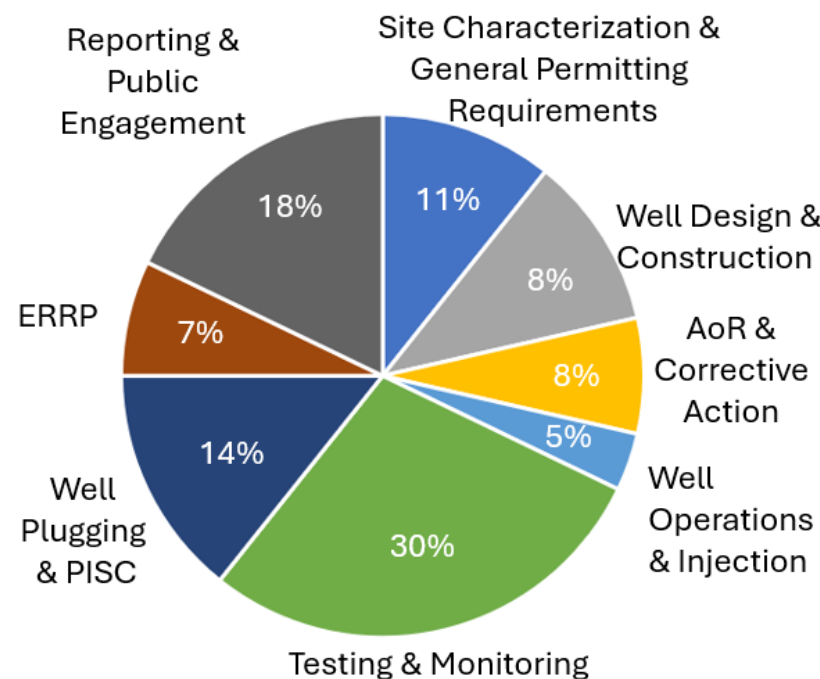
New Mexico has the deep geologic capacity, decades of subsurface data, and existing CO₂ transport infrastructure needed to safely store CO₂ for the long term and support multiple CCUS projects statewide.

- Extensive sedimentary basins
- Multiple, stacked deep saline formations with strong caprock integrity and prospective injection intervals
- Bauer (2024) estimated NM with over 26 Billion tons of CO₂ geologic storage potential
- New Mexico has an extensive CO₂ pipeline and facility network that provide scalable transport infrastructure capable of supporting multiple CCUS projects

Class VI NM Program (increased Stringency)

New Mexico's Class VI regulations (19.15.41-.43 NMAC) exceed EPA requirements by adding stricter timelines, expanded technical and monitoring requirements, stronger operational controls, and tighter administrative rules, along with more frequent reporting and public participation

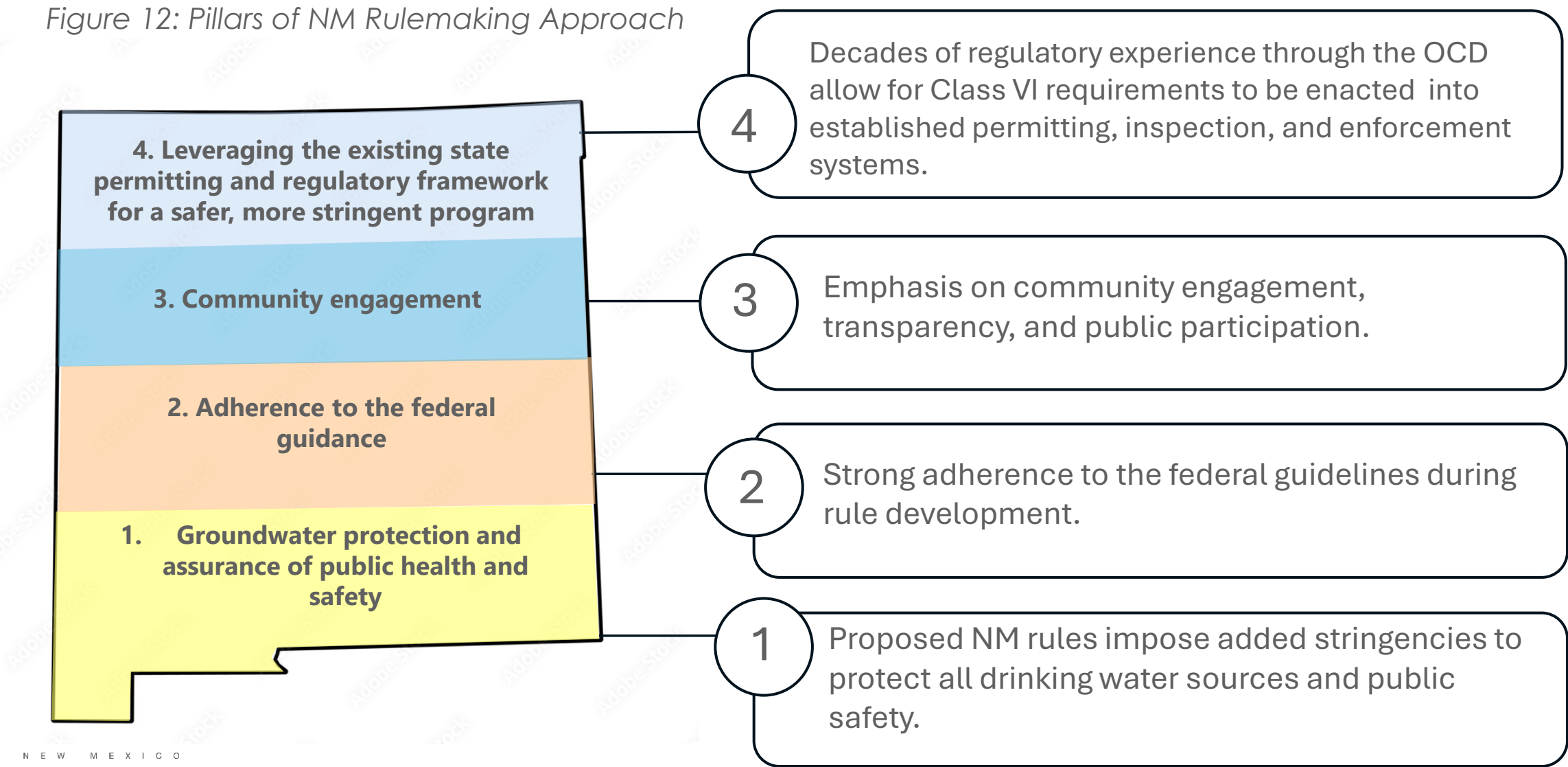
Figure 11: Program Elements Distribution



Class VI Program Elements	
1.	Project Narrative & Site Characterization
2.	Area of Review (AoR) & Corrective Action (CAP)
3.	Financial Assurance
4.	Well Design and Construction Standards
5.	Pre-Operational Testing and Monitoring
6.	Well Operation and Injection
7.	Testing and Monitoring
8.	Plugging Requirements
9.	Post-Injection Stive Care (PISC) & Site Closure
10.	Emergency Response and Remedial Plan (ERRP)
11.	Injection Depth Waivers
12.	Aquifer Exemption Expansion
13.	Community Outreach & Engagement

New Mexico Class VI Rulemaking Approach

Figure 12: Pillars of NM Rulemaking Approach



NM Draft Rule Testing & Monitoring Requirements

New Mexico's Class VI rules are built to ensure safe, long-term CO₂ storage by prioritizing drinking water protection, requiring more frequent and advanced monitoring, and mandating rapid-response plans that keep communities and groundwater secure.

- Drinking water protection is the top priority.
- Stronger, more frequent monitoring and sampling.
- More frequent Area of Review updates.
- Continuous tracking of CO₂ and subsurface pressure.
- Clear emergency response procedures for rapid action.

Figure 13: Key Class VI Monitoring Technologies

Monitoring Method	Class II	EPA	New Mexico
 Atmospheric	discretionary	discretionary	
 Soil Gas	discretionary	discretionary	
 Groundwater & Above Confining Zone	discretionary		
 CO ₂ Plume & Pressure Front	discretionary		
 Induced Seismicity	discretionary	discretionary	



= Required by the federal rules



= Required by the proposed NM rules

NM Class VI Community Engagement

New Mexico's Class VI rules strengthen public safety by requiring proactive community engagement, clear communication protocols, and ongoing collaboration with local responders to ensure CO₂ storage projects are transparent, well-understood, and protective of nearby communities.

- Proactive community outreach required for all projects.
- Applications must document engagement and risk communication.
- Operators must conduct outreach within the Area of Review.
- Clear public-notification protocols for unexpected events.
- Emergency plans must include responder training and ongoing outreach.

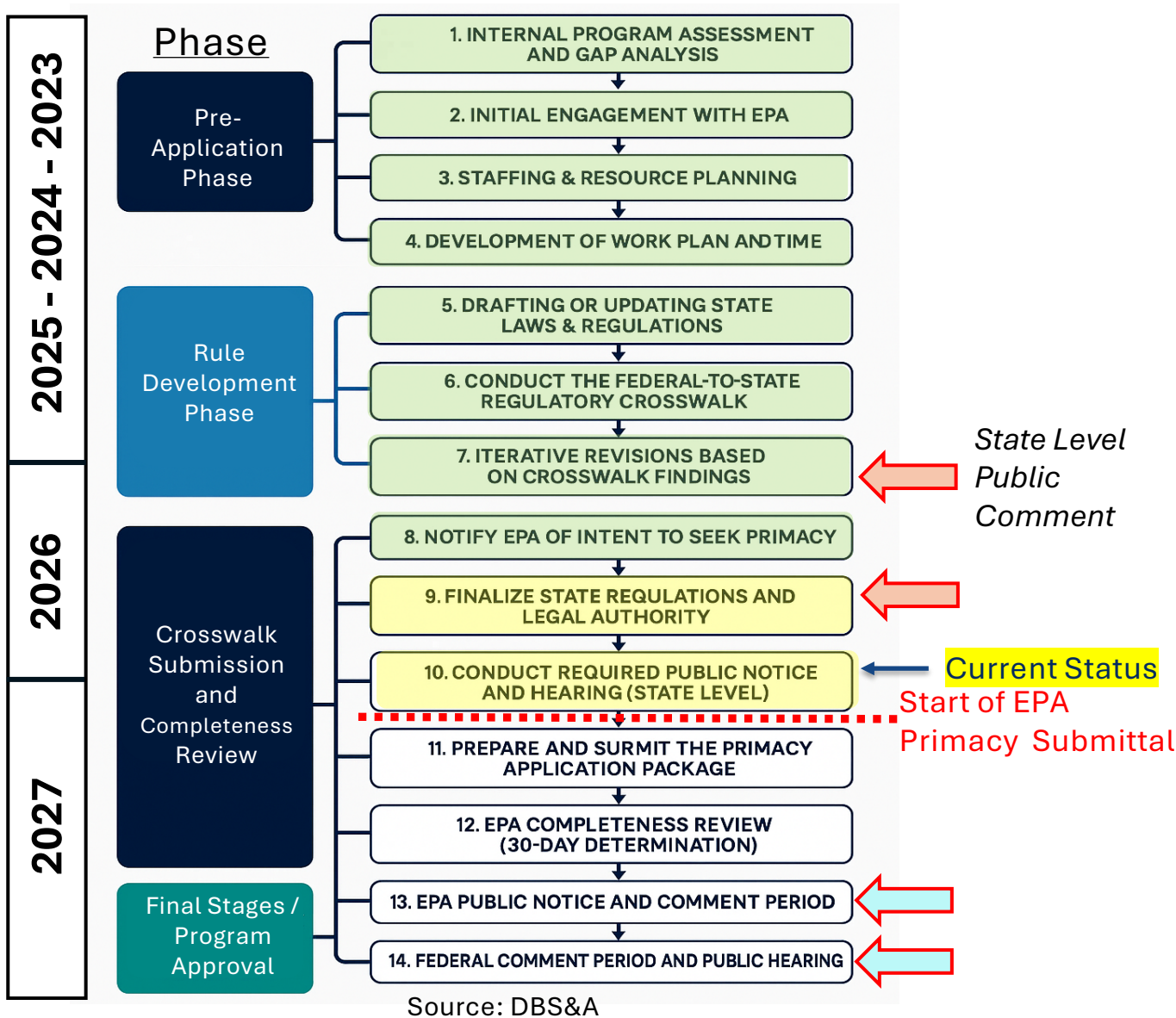
Figure 14: Outreach Process for Class VI Wells



Source: DBS&A

NM Class VI Primacy Status & Timeline

Figure 15: Stages of New Mexico's Primacy Process



Program Tasks Completed

March 2023: NM LOI to EPA to seek Primacy
March 2025: HB 458
August 2025: OCD Draft Rules Released
Mid/Late 2025: Stakeholder Outreach
June 2026: Notice of Rulemaking Hearing Published
July 2026: Public Rulemaking Hearing 19.15.41-.43 NMAC

Tasks Remaining

- Sept/Oct 2026: 19.15.41-.43 NMAC Rules Finalization
- Early 2027: Reserve 4 Rule Making Public Hearing
- Early/Mid 2027: Final rules adopted into NMAC
- Mid 2027: EPA Primacy Application Submission
- Mid 2027: EPA 30-day Completeness Review, Public Notice & Comment Period
- 2027: Federal Public Hearing & Comment Period
- 2027: EPA grants NM Primacy over Class VI Wells



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[REQUEST FOR PUBLIC
COMMENT ON
THE OIL CONSERVATION
DIVISION'S DRAFT RULES TO
EPA FOR CLASS VI PRIMACY](#)