



# EMNRD Class VI Primacy Update

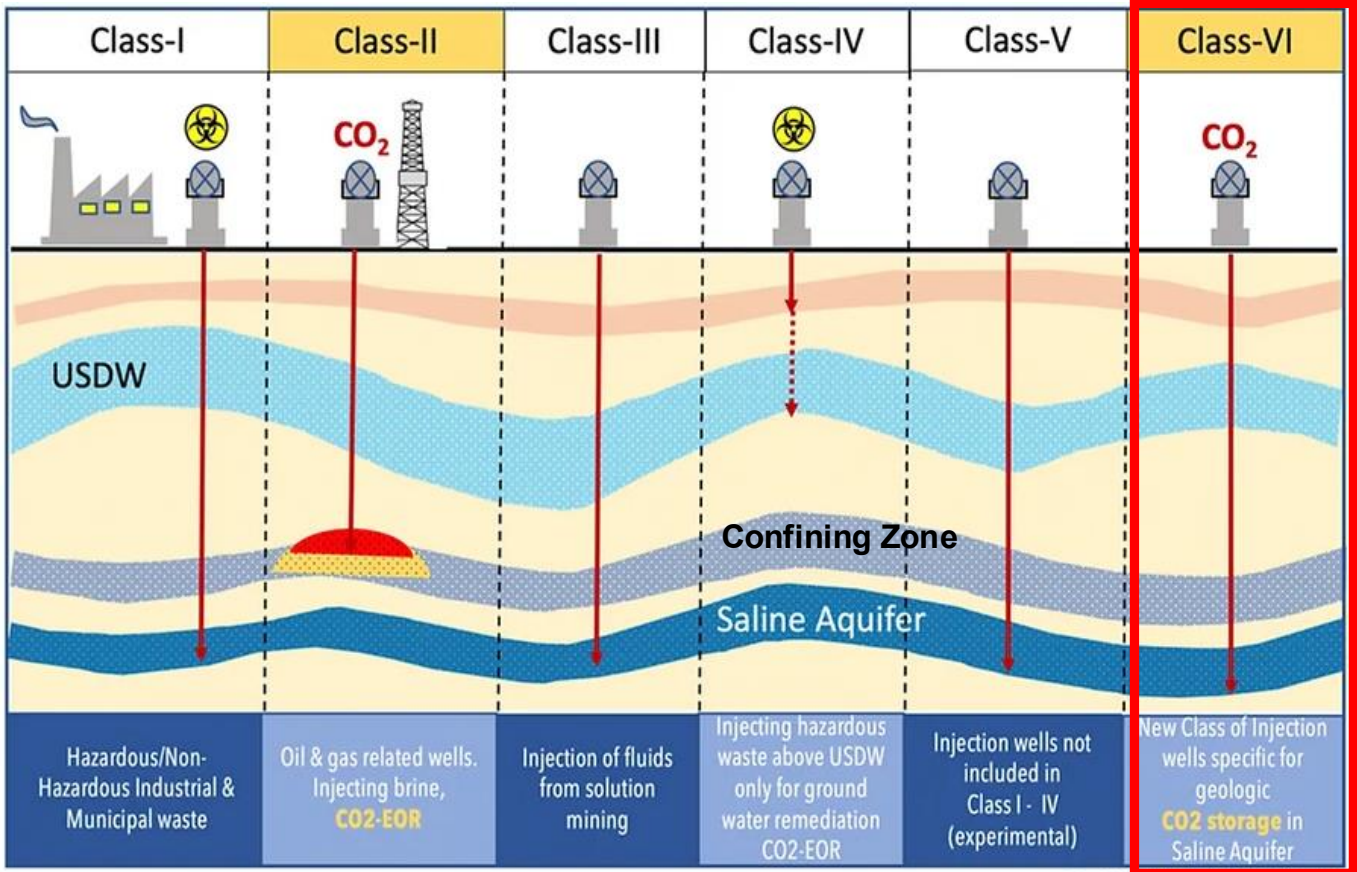
## Radioactive & Hazardous Materials Committee

September 2, 2026

Ben Shelton, Deputy Secretary

Albert Chang, OCD Director

# UIC Well Class Distinctions



Source: EPA, Siddiqui, (2022).

By: Tariq Siddiqui; MAR 2022 ©

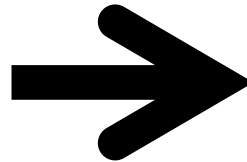
## Highlights

- Class VI rules are promulgated under the **Safe Drinking Water Act (SDWA)**, which is the foundational federal law for protecting the quality of the nation’s drinking water.
- Established in 2010, Class VI wells are for long term storage of CO<sub>2</sub>.
- CCS technology and methods have been employed for decades for natural resource development (EOR) in New Mexico.
- **Class VI** wells are subject to **more rigorous and comprehensive monitoring and reporting** due to the need to ensure **permanent containment of CO<sub>2</sub>** and protection of underground sources of drinking water.

# ***Class VI Regulations Apply Rigorous Requirements for CO<sub>2</sub> storage to UIC Program Elements***

## Special Considerations for CCS in UIC Program

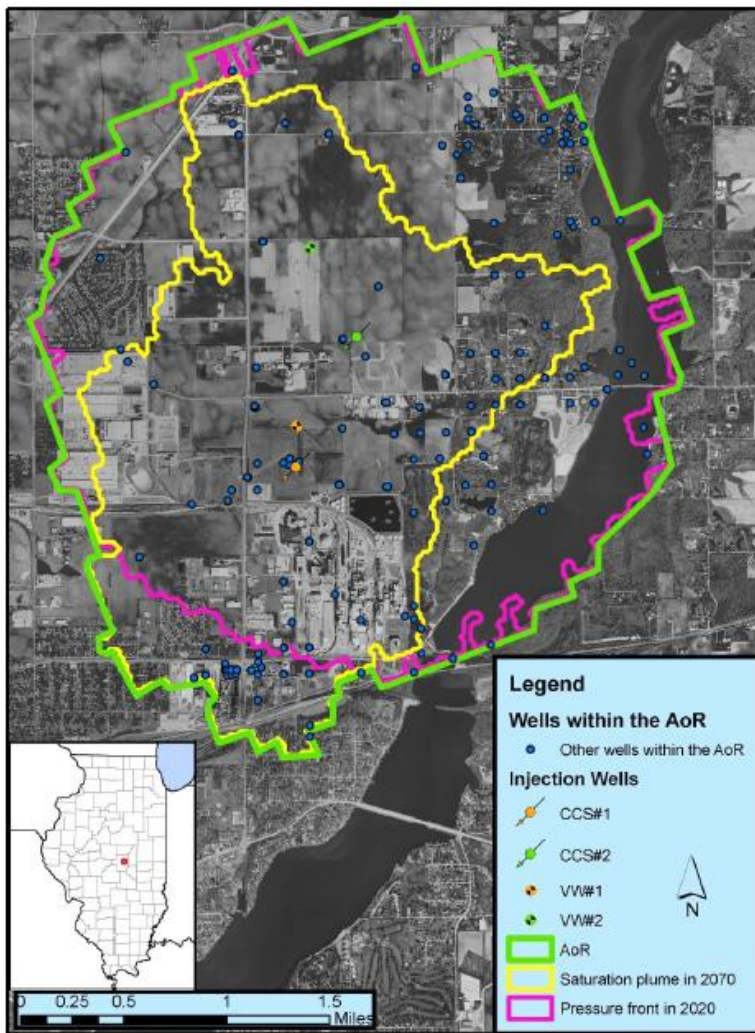
- Large Volumes
- Buoyancy
- Viscosity (Mobility)
- Corrosivity



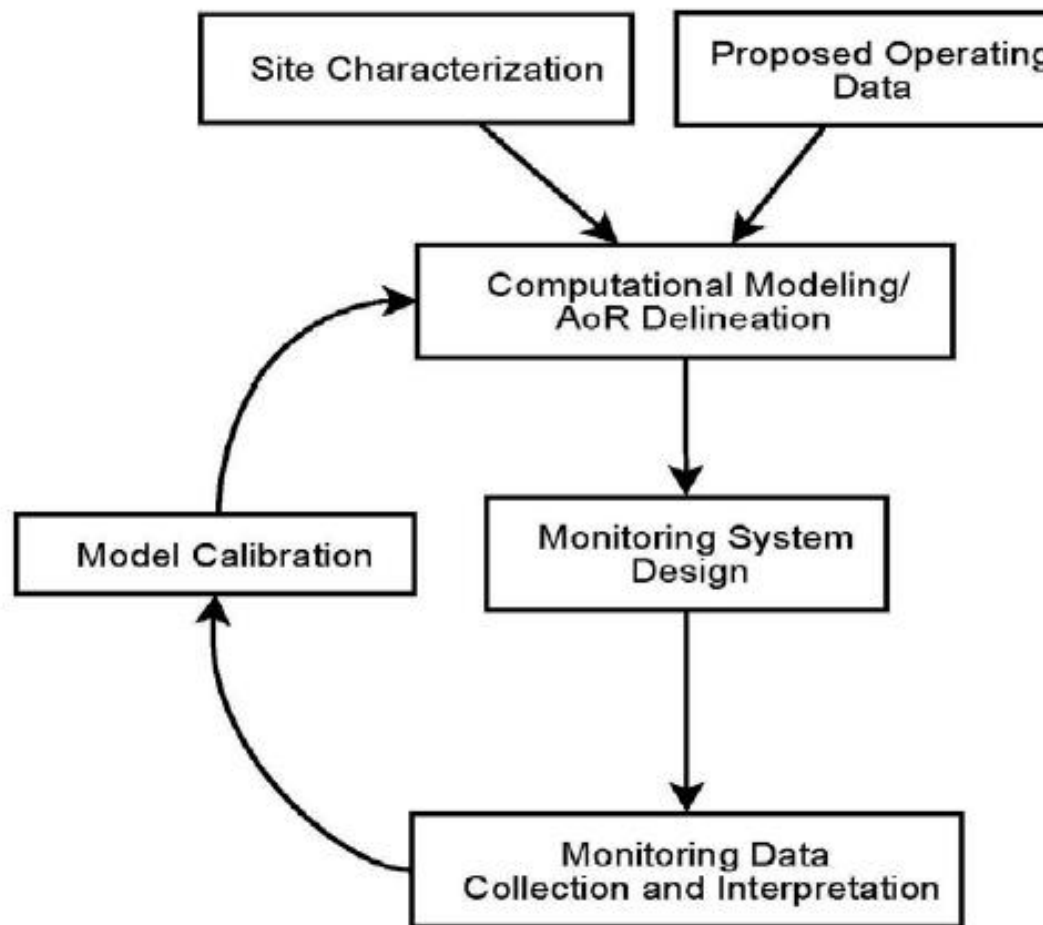
## UIC Program Elements

- Site Characterization
- Area Of Review
- Well Construction
- Well Operation
- Site Monitoring
- Well Plugging
- Public Participation

# Modeling and Monitoring for Class VI Regulation



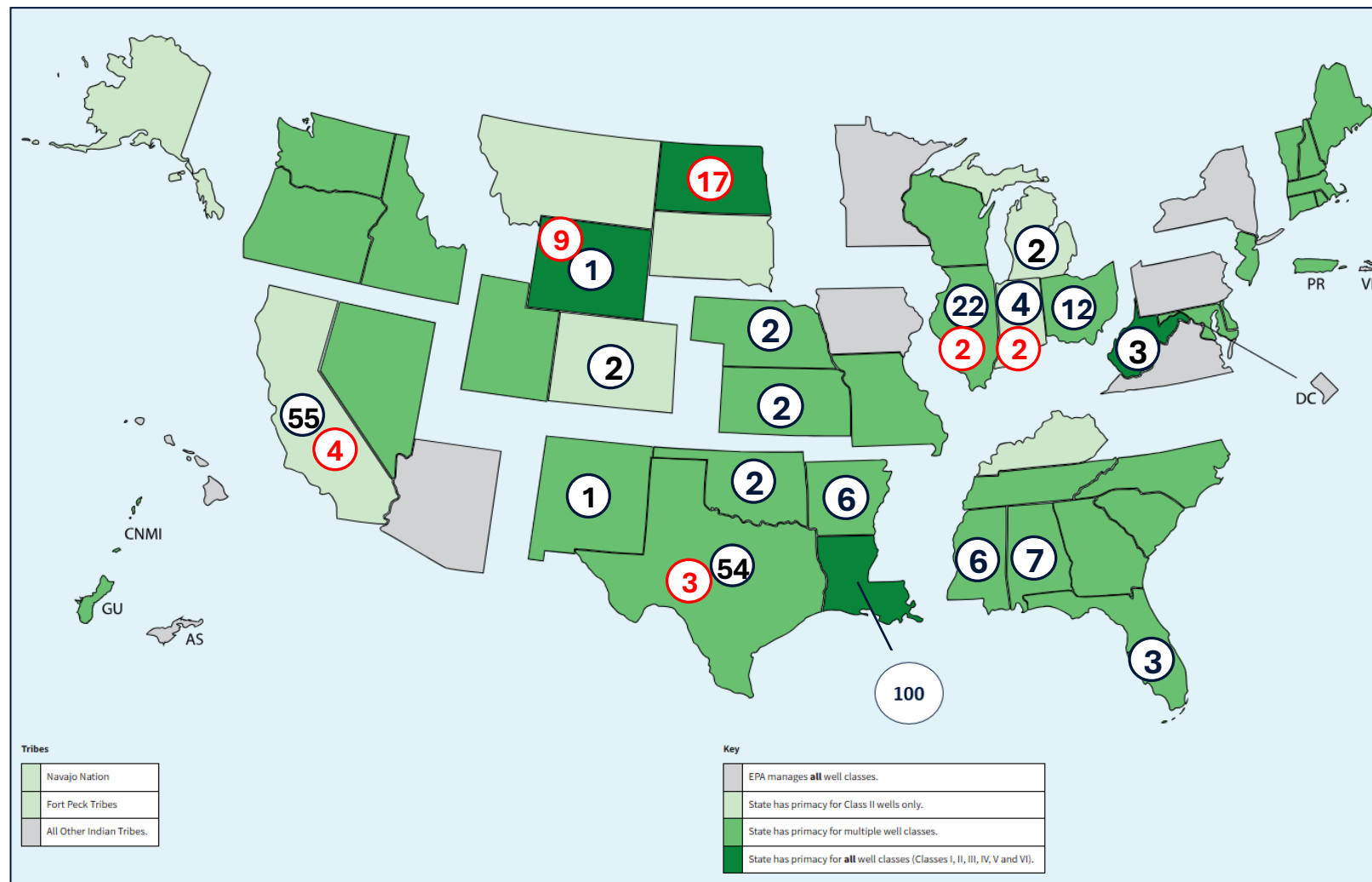
ADM CCS WELL #1 MACON COUNTY IL



# Class VI Permitting

## Highlights

- As of May 2025, **321 Class VI well applications have been submitted in the US & 37 well permits have been issued**
- States with primacy (specifically ND & WY) are the most active in terms of permitting efficiency.
- Permitting timelines are significantly reduced in states with Class VI Primacy.

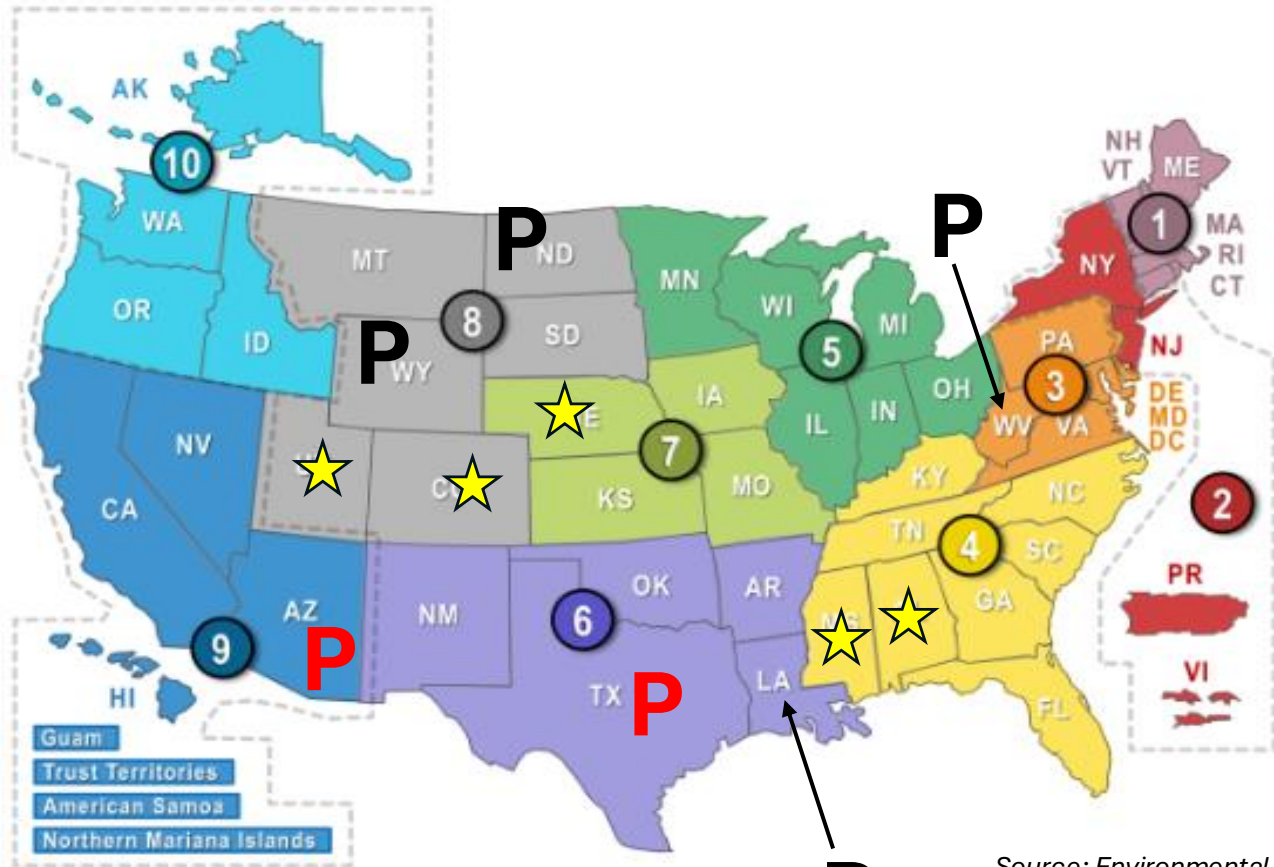


Sources: Data: Hunton.com Class VI Permit Tracker  
 Base Map: EPA

○ Submitted Applications    ⊗ Issued Class VI Permits



# Class VI Primacy Activity



Source: Environmental Protection Network (EPN)

**P** = Granted Primacy  
**P** = Final Application Stages  
 ★ = Applications Submitted

## States, Tribes, & Territories Currently in the Primacy Process

	Phase I: Pre-Application Activities	Phase II: Application Evaluation and Completeness Determination	Phase III: Proposed Rulemaking	Phase IV: Final Rulemaking and Codification
Primacy Applications			AZ-Classes I-VI	
Program Revision Applications	MS-Classes III, V, and VI WV-Classes I-V NE-Class VI UT-Class VI AL-Class VI CO-Class VI		TX-Class VI	WV-Class VI

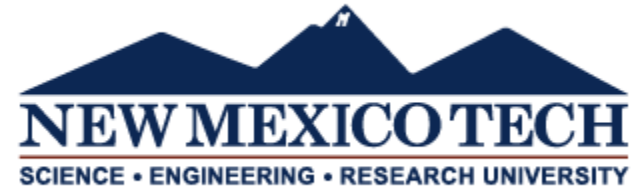
Source: EPA

### Highlights

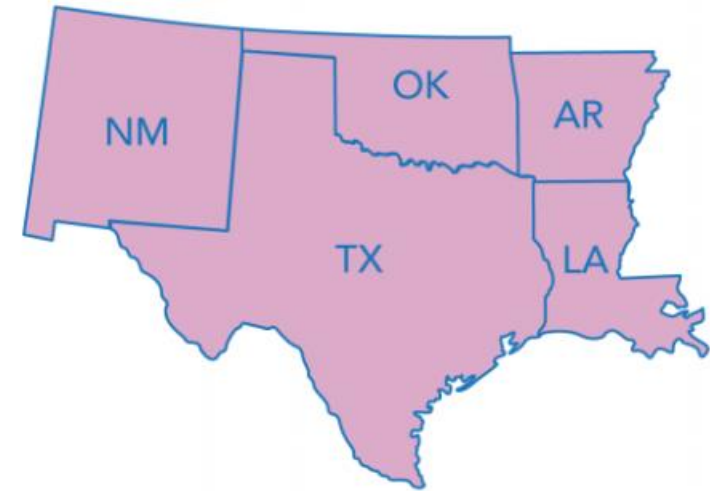
- A state, tribal nation, or territory granted Class VI UIC primacy assumes primary regulatory authority over the program within its jurisdiction.
- Currently, 4 states hold primacy, 2 are in the final stages, and 5 others are in the permitting queue.

# New Mexico Primacy Overview

- New Mexico was awarded \$1.93 million in federal funding by the EPA to support its pursuit of Class VI primacy under the Safe Drinking Water Act.
- The NM primacy team led by New Mexico Tech, is working collaboratively with EPA Region 6, EMNRD (Energy, Minerals and Natural Resources Department) and the NMOCD.
- Federal regulations require that a state Class VI program be at least as stringent as the federal program. This enables states to tailor their rules to local needs while maintaining strong environmental safeguards.
- New Mexico is designing its program to reflect the state's unique geology, energy landscape, and environmental values.
- The state is developing a technically sound, rigorous application that includes added stringency and deep state-specific expertise.



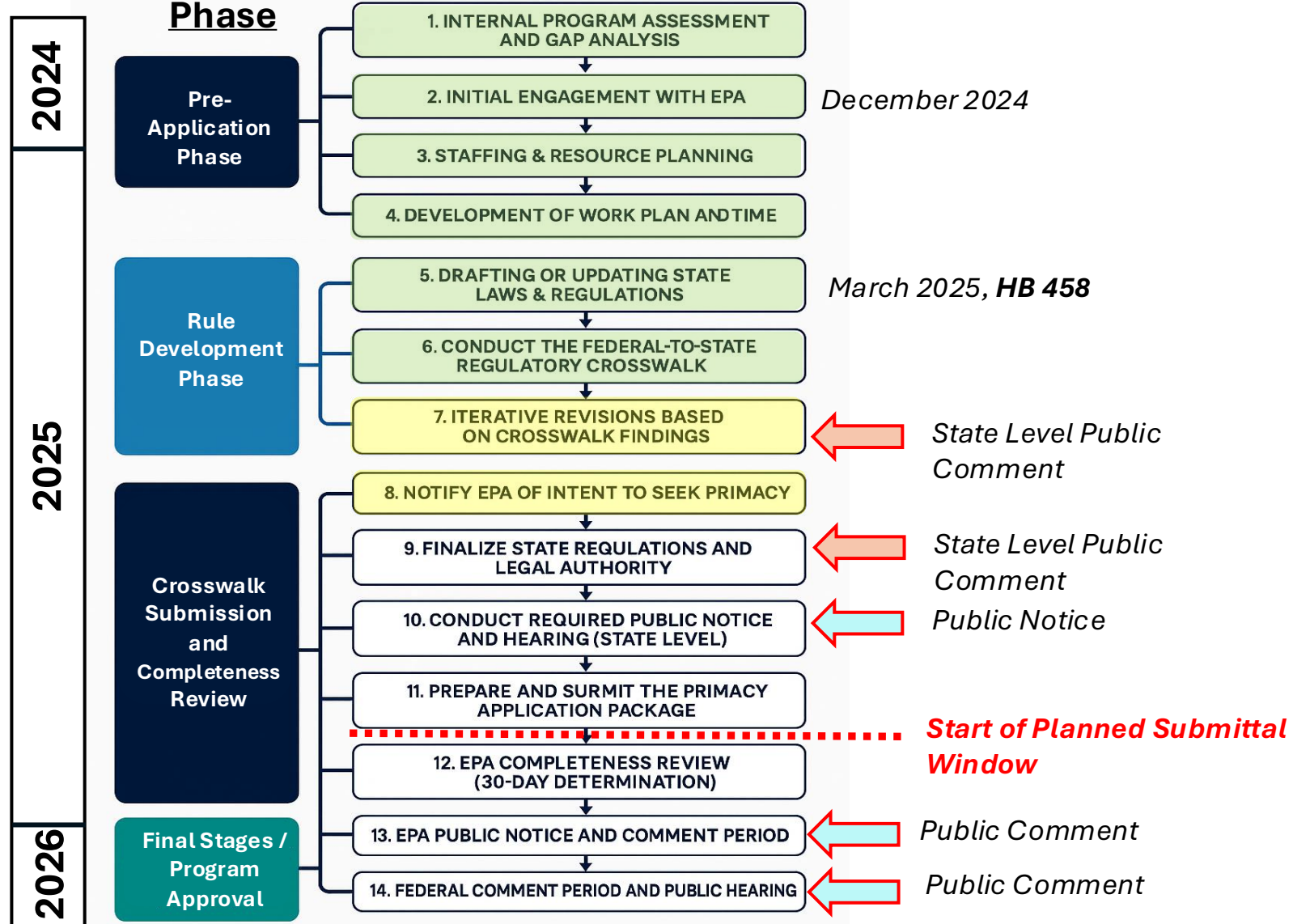
## EPA Region 6



*Region 6 serves 5 states and 66 tribes*

# NM Class VI Primacy Timeline

## Timeline

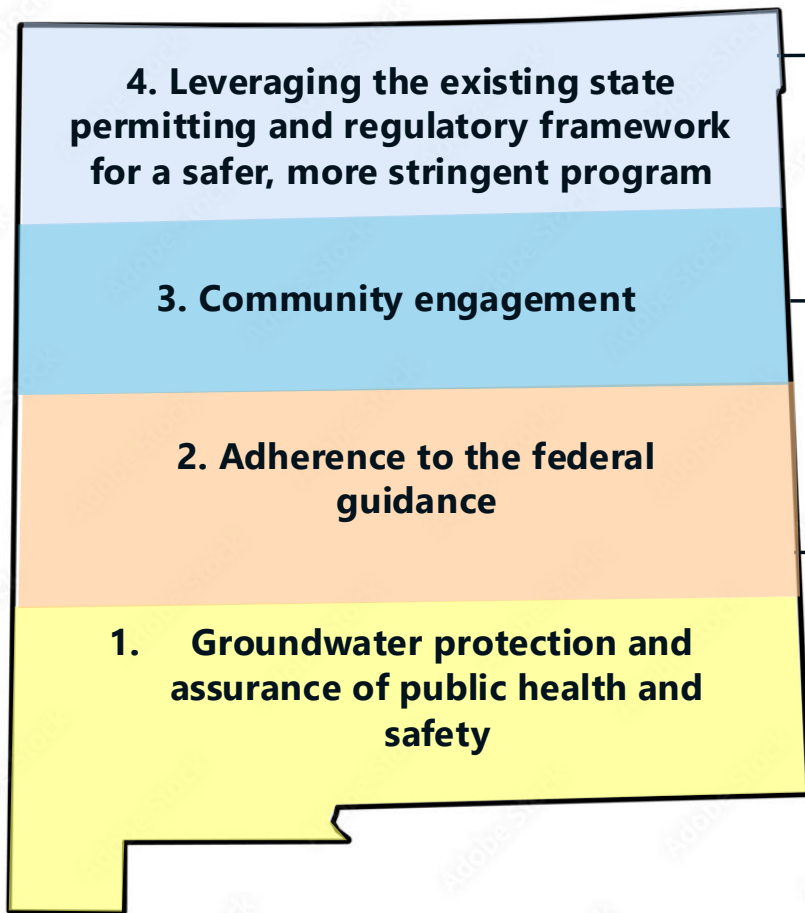


Source: DBS&A



# New Mexico's Class VI Rulemaking Approach

## Pillars of NM Rulemaking Approach



**4. Leveraging the existing state permitting and regulatory framework for a safer, more stringent program**

**4**

Decades of regulatory experience through the OCD allow for Class VI requirements to be enacted into established permitting, inspection, and enforcement systems.

**3. Community engagement**

**3**

Emphasis on community engagement, transparency, and public participation.

**2. Adherence to the federal guidance**

**2**

Strong adherence to the federal guidelines during rule development.

**1. Groundwater protection and assurance of public health and safety**

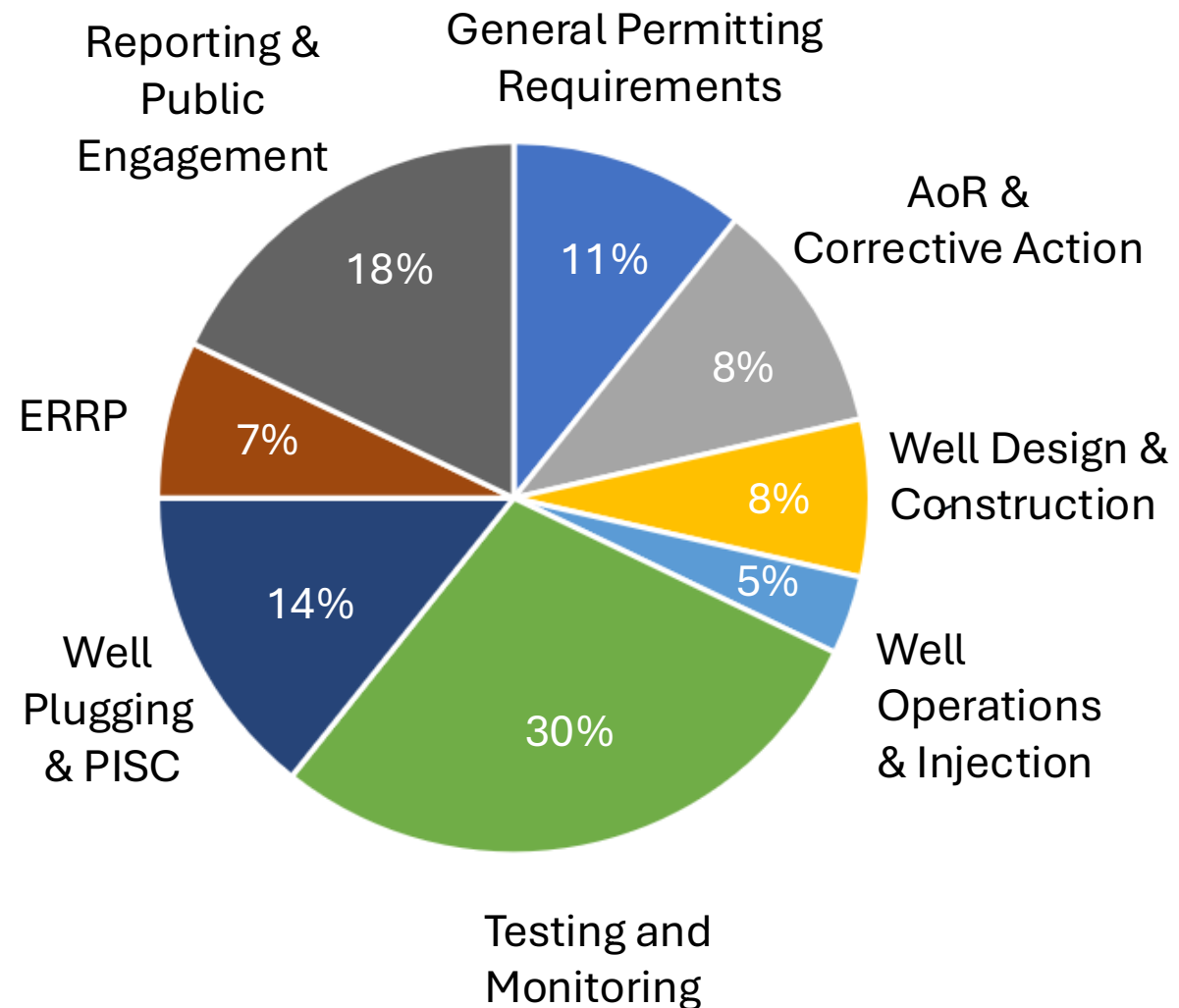
**1**

Proposed NM rules impose added stringencies to protect all drinking water sources and public safety.

# NM Draft Class VI Components with Increased Stringency













## Class VI Technical Program Components


General Permit Requirements
Site Characterization
Area of Review & Corrective Action
Well Design and Construction Standards
Well Operation and Injection
Testing and Monitoring
Plugging Requirements & PISC
Emergency and Remedial Response Plans
Reporting and Public Participation
Community Outreach & Engagement
Financial Assurance




# NM Draft Rule Testing & Monitoring Requirements

## Key Class VI Monitoring Technologies

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

 = Required by the federal rules

 = Required by the proposed NM rules

## Highlights

- The protection of drinking water sources and public health and safety are the top priority during NM Class VI Rule Development.
- In addition to a full suite of monitoring technologies, more stringent sampling and reporting frequencies are also detailed.
- New Mexico's proposed rules require project operators to review the Area of Review and the related program plans more frequently.
  - Testing & Monitoring - **used to track the movement of CO<sub>2</sub> and pressure within the subsurface.**
  - Emergency Response and Remedial Plan- **Outlines procedures for promptly responding to unexpected events**

# NM Class VI Community Engagement

## Proposed Community Engagement & Outreach Amendments to NM Class VI Rules

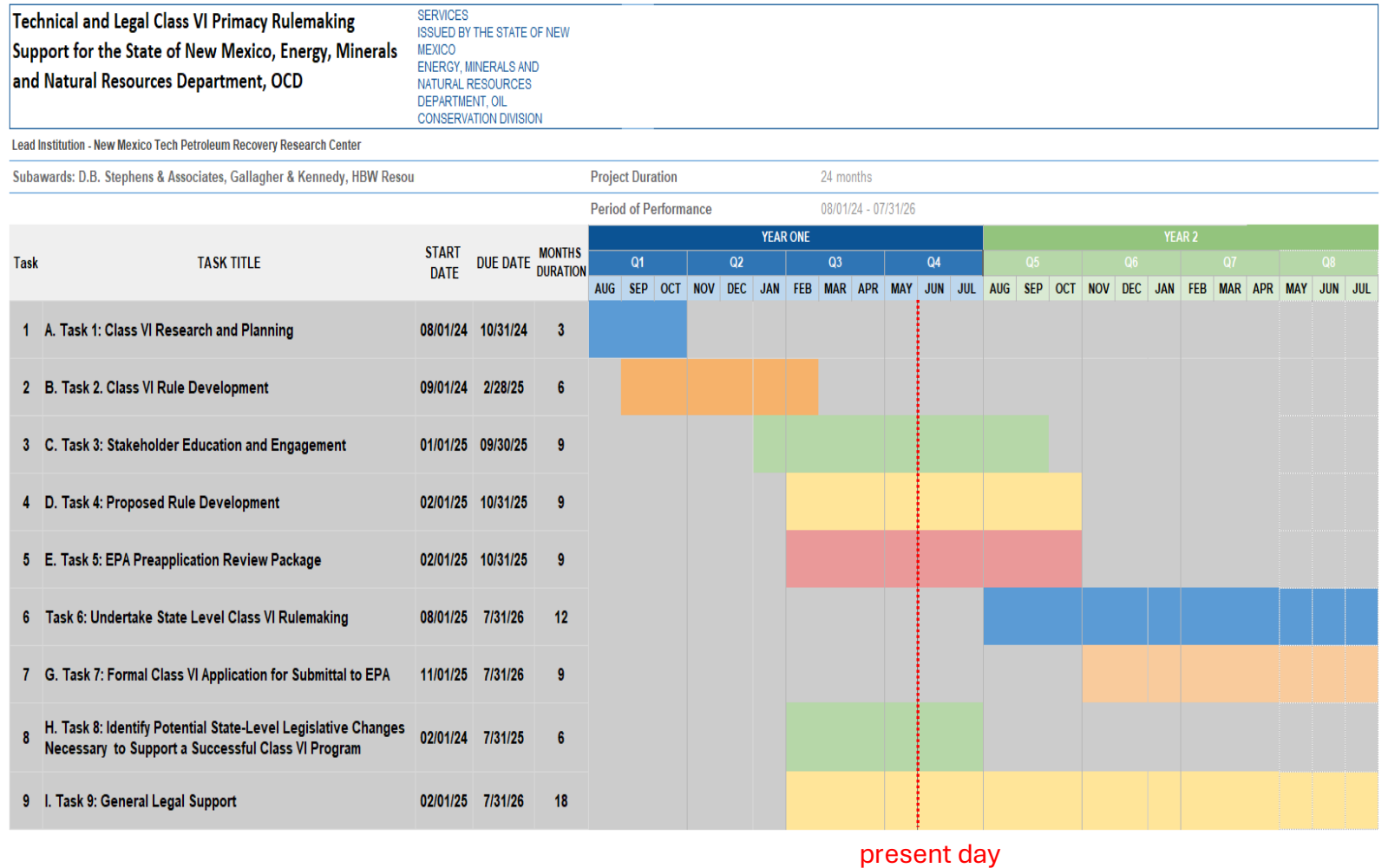
- Every Class VI application **must** include a summary of community engagement activities conducted to develop a plan that addresses any project related risks.
- All project operators **must** conduct outreach within communities located within the AoR during development of the emergency and remedial response plan.
- Protocols for notifying the public about unexpected project related events, taking into account any local language needs and the needs of persons with disabilities.
- **The emergency and remedial response plan must describe how the owner or operator will provide training for local emergency responders,** include a summary of community outreach activities conducted prior to the plan's submittal, and explain how community outreach will be maintained throughout the life of the project.



# Final Thoughts & Next Steps

- **New Mexico is well positioned** to administer a strong, scientifically grounded Class VI program tailored to the state's unique geology, regulatory landscape, and environmental priorities.
- **Interagency coordination will remain essential.** Continued collaboration between OCD, EMNRD, New Mexico Tech, and EPA Region 6 ensures regulatory readiness and technical strength.
- **Public engagement and tribal consultation planning** will be a key focus to promote transparency and meet New Mexico and the EPA's standards for meaningful outreach.
- **Submission of the Class VI primacy application** to EPA is targeted in the coming months.

## Primacy Application Timeline



# NM Proposed Amendments

- New Mexico's proposed Class VI rules are being tailored to serve New Mexico's long-term interests and to provide meaningful benefits to stakeholders.
- **Unique Land and Project-Related Considerations of the State:**
  - **Tribal Consultation:** Consistent with the tribal consultation policy pursuant to Section 11-18-3 NMSA 1978, the Energy, Minerals and Natural Resources Department and the division shall consult with New Mexico Indian nations, tribes and pueblos that may have an interest in surface and subsurface impacts associated with specific carbon sequestration permit proposals.
  - **Acquisition of Lands:** Outlines project land needs and acquisition process.
  - **85%:** voluntary agreements from owners of at least eighty-five percent of the lands within the proposed sequestration unit.
  - **State Land Office Engagement:** unleased state land cannot be included in a unitization agreement without the approval and participation of the state land office.
  - **Utilization Details and Heightened Public Notice Requirements:** multiple sections addressing these topics.

# Contact Information



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