

State of New Mexico
Energy, Minerals and Natural Resources Department

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**NOTICE
REQUEST FOR PUBLIC COMMENT
ON THE OIL CONSERVATION DIVISION'S DRAFT RULES
TO EPA FOR CLASS VI PRIMACY**

AUGUST 22, 2025

The New Mexico Oil Conservation Division (OCD) proposes to adopt new rules governing Underground Injection Control ("UIC") Class VI wells, which are used for the geologic sequestration of carbon dioxide. These rules are part of OCD's application to the U.S. Environmental Protection Agency (EPA) for Class VI primacy under Section 1422 of the Safe Drinking Water Act (SDWA), which would authorize OCD to directly administer the Class VI permitting program in New Mexico.

The proposed rules incorporate and expand upon federal requirements found in 40 CFR Parts 124, 144, and 146, including Subpart H for Class VI wells. OCD's draft rules are designed to be as stringent or more stringent than EPA's regulations, and include amendments to state statute enacted through House Bill 457 (2025 Regular Session). These amendments clarify OCD's authority to regulate Class VI wells and establish enforceable standards for permitting, monitoring, corrective action, and public engagement.

To support transparency and facilitate public review, OCD has prepared a regulatory crosswalk document comparing the proposed New Mexico rules to the corresponding federal requirements. This is a preliminary public review and input solicitation, designed to help inform OCD's development of a formal rulemaking petition. The crosswalk identifies:

The draft rules and crosswalk document are available for review on OCD's website at [OCD Announcements and Notifications - Oil Conservation](#). OCD invites interested persons to submit public comments by electronic mail to benjamin.bajema@emnrd.nm.gov no later than the close of business on Friday, September 26, 2025. The email must identify the subject line as "Public Comment on Class VI Primacy Draft Rules."

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Comments received will inform OCD's initial rulemaking petition and EPA submission. OCD encourages feedback from stakeholders, technical experts, and the public to ensure the rules reflect New Mexico's commitment to environmental protection, regulatory clarity, and responsible carbon management.