

Document Color Key

More Stringent (green background) - Proposed NM rule is more stringent than the federal requirement
Not a State Requirement (Gray background) - specific to federal programs, not required of state programs and excluded
NM Rule Amendment (July 2025)
Text is Identical (white background)
Similar to CFR - (blue background) Proposed NM rule differs from federal rule either by way of substantive differences in language or content from the applicable federal requirement or due to the replacement of the federal citation with the NM specific citation.
Yellow Highlighted Text - Reference citation that requires modification at a later date
Please note: All New Mexico rule citations are currently placeholders and will be finalized upon rule adoption

Crosswalk for New Mexico UIC Regulations Submitted with Primacy Applications Under Section 1422 of the SDWA

The following tables compare the regulatory language submitted by New Mexico to the EPA’s regulations applicable to Class VI wells, specifically Parts 124, 144, and 146 under Title 40 of the CFR. Under Section 1422 of the SDWA, the State’s program must meet the requirements of EPA UIC regulations.

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
PART 124--PROCEDURES FOR DECISION MAKING						
SUBPART A--GENERAL PROGRAM REQUIREMENTS						
40 CFR 124.3 Application for a permit						
1	40 CFR 124.3(a)(1) (See also 145.11(a)(24))	Applicable to State programs, see §145.11 (UIC). (1) Any person who requires a permit under the UIC programs shall complete, sign, and submit to the Director an application for each permit required under §144.1 (UIC).	Reserve.XXX.NMAC	(x) Any person who requires a permit under the UIC programs shall complete, sign, and submit to the Director an application for each permit required under §144.1 (UIC).	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		Applications are not required for underground injections authorized by rules (§§ 144.21 through 144.26).				
2	40 CFR 124.3(a)(2) (See also 145.11(a)(24))	The Director shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit. See §144.31 (UIC).	Reserve.XXX.NMAC	(x) The Director shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit. See §144.31 (UIC).	Similar to CFR	
3	40 CFR 124.3(a)(3) (See also 145.11(a)(24))	Permit applications must comply with the signature and certification requirements of § 144.32 (UIC).	Reserve.XXX.NMAC	(x) Permit applications must comply with the signature and certification requirements of § 144.32 (UIC).	Similar to CFR	
40 CFR 124.5 Modification, revocation and reissuance, or termination of permits.						
4	40 CFR 124.5(a) (See also 145.11(a)(25))	(Applicable to State programs, see §145.11 (UIC).) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Director's initiative. However, permits may only be modified, revoked and reissued, or terminated	Reserve.XXX.NMAC	(x) Upon request by the Director, the permittee must furnish any relevant information within 30 days to support the Director's review of potential grounds for permit modification, termination, or reissuance, or to verify compliance with permit conditions.	More stringent	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		for the reasons specified in § 144.39 or 144.40 (UIC). All requests shall be in writing and shall contain facts or reasons supporting the request.				
5	40 CFR 124.5(b)	If the Director decides the request is not justified, he or she shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings. Denials by the Regional Administrator may be informally appealed to the Environmental Appeals Board by a letter briefly setting forth the relevant facts. The Environmental Appeals Board may direct the Regional Administrator to begin modification, revocation and reissuance, or termination proceedings under paragraph (c) of this	Reserve.XXX.NMAC	(x) If the Director decides the request is not justified, he or she shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings.	Similar to CFR .	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		section. The appeal shall be considered denied if the Environmental Appeals Board takes no action on the letter within 60 days after receiving it. This informal appeal is, under 5 U.S.C. 704, a prerequisite to seeking judicial review of EPA action in denying a request for modification, revocation and reissuance, or termination.				
6	40 CFR 124.5(c)(1) (See also 145.11(a)(25))	(Applicable to State programs, see 40 CFR 145.11 (UIC)). (1) If the Director tentatively decides to modify or revoke and reissue a permit under 40 CFR 144.39 (UIC), he or she shall prepare a draft permit under §124.6 incorporating the proposed changes. The Director may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of	Reserve.XXX.NMAC	(x) If the Director tentatively decides to modify or revoke and reissue a permit under 40 CFR 144.39 (UIC), he or she shall prepare a draft permit under §124.6 incorporating the proposed changes. The Director may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of revoked and reissued permits, the Director shall require the submission of a new application.	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		revoked and reissued permits, the Director shall require the submission of a new application.				
7	40 CFR 124.5(c)(2) (See also 145.11(a)(25))	In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.	Reserve.XXX.NMAC	(x) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.	Text is identical	
8	40 CFR 124.5(c)(3) (See also 145.11(a)(25))	“Minor modifications” as defined in § 144.41 (UIC) are not subject to the requirements of this section.		(x) “Minor modifications” as defined in § 144.41 (UIC) are not subject to the requirements of this section.	Similar to CFR	
9	40 CFR 124.5(d)(1) (See also	(Applicable to State	Reserve.XXX.NMAC	(x) If the Director tentatively	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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	145.11(a)(25))	programs, see §145.11 (UIC) of this chapter.) (1) If the Director tentatively decides to terminate: A permit under § 144.40 (UIC) of this chapter, he or she shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under § 124.6 of this chapter.		decides to terminate: A permit under § 144.40 (UIC) of this chapter, he or she shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under § 124.6 of this chapter.		
40 CFR 124.6 Draft permits.						
10	40 CFR 124.6(a) (See also 145.11(a)(26))	(Applicable to State programs, see §145.11 (UIC).) Once an application is complete, the Director shall tentatively decide whether to prepare a draft permit or to deny the application.	Reserve.XXX.NMAC	(x) Once an application is complete, the Director shall prepare a draft permit or deny the application.	Similar to CFR	
	40 CFR 124.6(b)	If the Director tentatively decides to deny the permit application, he or she shall issue a notice of intent to deny. A notice of intent to deny the permit application is a	N/A	N/A	Not applicable to state programs	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		type of draft permit which follows the same procedures as any draft permit prepared under this section. See § 124.6(e). If the Director's final decision (§ 124.15) is that the tentative decision to deny the permit application was incorrect, he or she shall withdraw the notice of intent to deny and proceed to prepare a draft permit under paragraph (d) of this section.				
11	40 CFR 124.6(d) (See also 145.11(a)(26))	(Applicable to State programs, see §145.11 (UIC).) If the Director decides to prepare a draft permit, he or she shall prepare a draft permit that contains the following information:	Reserve.XXX.NMAC	(x) If the Director decides to prepare a draft permit, he or she shall prepare a draft permit that contains the following information:	Text is identical	
12	40 CFR 124.6(d)(1) (See also 145.11(a)(26))	All conditions under §144.51 and 144.42 (UIC);	Reserve.XXX.NMAC	(x) All conditions under §144.51 and 144.42 (UIC);	Similar to CFR	
13	40 CFR 124.6(d)(2) (See also 145.11(a)(26))	All compliance schedules under §144.53 (UIC);	Reserve.XXX.NMAC	(x) All compliance schedules under §144.53 (UIC);	Similar to CFR	
14	40 CFR 124.6(d)(3) (See also	All monitoring requirements under	Reserve.XXX.NMAC	(x) All monitoring requirements under §144.54 (UIC); and	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
	145.11(a)(26))	§144.54 (UIC); and				
15	40 CFR 124.6(d)(4)(ii) (See also 145.11(a)(26))	For: *** UIC permits, permit conditions under § 144.52;	Reserve.XXX.NMAC	(x) UIC permits, permit conditions under § 144.52;	Similar to CFR	
16	40 CFR 124.6(e) (See also 145.11(a)(26))	(Applicable to State programs, see §145.11 (UIC).) Draft permits prepared by a State shall be accompanied by a fact sheet if required under § 124.8.	Reserve.XXX.NMAC	(x) Draft permits prepared by a State shall be accompanied by a fact sheet if required under § 124.8.	Similar to CFR	
40 CFR 124.8 Fact sheet.						
17	40 CFR 124.8(a) (See also 145.11(a)(27))	A fact sheet shall be prepared for every draft permit for a major UIC facility or activity, and for every draft permit which the Director finds is the subject of wide-spread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The Director shall send this fact sheet to the applicant	Reserve.XXX.NMAC	(x) A fact sheet shall be prepared for every draft permit for a major UIC facility or activity, and for every draft permit which the Director finds is the subject of wide-spread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The Director shall send this fact sheet to the applicant and, on request, to any other person.	Text is identical	

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		and, on request, to any other person.				
18	40 CFR 124.8(b) (See also 145.11(a)(27))	The fact sheet shall include, when applicable:	Reserve.XXX.NMAC	(x) The fact sheet shall include, when applicable:	Text is identical	
19	40 CFR 124.8(b)(1) (See also 145.11(a)(27))	A brief description of the type of facility or activity which is the subject of the draft permit;	Reserve.XXX.NMAC	A brief description of the type of facility or activity which is the subject of the draft permit;	Text is identical	
20	40 CFR 124.8(b)(2) (See also 145.11(a)(27))	The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged.	Reserve.XXX.NMAC	(x) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged.	Text is identical	
21	40 CFR 124.8(b)(4) (See also 145.11(a)(27))	A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions;	Reserve.XXX.NMAC	A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions;	Text is identical	
22	40 CFR 124.8(b)(5) (See also 145.11(a)(27))	Reasons why any requested variances or alternatives to required standards do or do not appear justified;	Reserve.XXX.NMAC	(x) Reasons why any requested variances or alternatives to required standards do or do not appear justified;	Text is identical	
23	40 CFR 124.8(b)(6) (See also 145.11(a)(27))	A description of the procedures for reaching a final decision on the draft permit including: (i) The beginning and ending dates of the comment period	Reserve.XXX.NMAC	(x) A description of the procedures for reaching a final decision on the draft permit including: (i) The beginning and ending dates of the comment period under § 124.10 and the	Similar to CFR	

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		under § 124.10 and the address where comments will be received; (ii) Procedures for requesting a hearing and the nature of that hearing; and (iii) Any other procedures by which the public may participate in the final decision.		address where comments will be received; (ii) Procedures for requesting a hearing and the nature of that hearing; and (iii) Any other procedures by which the public may participate in the final decision.		
24	40 CFR 124.8(b)(7) (See also 145.11(a)(27))	Name and telephone number of a person to contact for additional information.	Reserve.XXX.NMAC	(x) Name and telephone number of a person to contact for additional information.	Text is identical	
40 CFR 124.10 Public notice of permit actions and public comment period.						
25	40 CFR 124.10(a)(1) (See also 145.11(a)(28))	Scope. (1) The Director shall give public notice that the following actions have occurred:	Reserve.XXX.NMAC	(x) Scope. (1) The Director shall give public notice that the following actions have occurred:	Similar to CFR	
26	40 CFR 124.10(a)(1)(i)	A permit application has been tentatively denied under § 124.6(b);	Reserve.XXX.NMAC	(x) A permit application has been tentatively denied under § 124.6(b);	Similar to CFR	
27	40 CFR 124.10(a)(1)(ii) (See also 145.11(a)(28))	(Applicable to State programs, see §145.11 (UIC).) A draft permit has been prepared under § 124.6(d);	Reserve.XXX.NMAC	(x) A draft permit has been prepared under § 124.6(d);	Similar to CFR	
28	40 CFR 124.10(a)(1)(iii) (See also 145.11(a)(28))	(Applicable to State programs, see §145.11 (UIC).) A hearing has been scheduled under § 124.12;	Reserve.XXX.NMAC	(x) A hearing has been scheduled under § 124.12;	Similar to CFR	

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29	40 CFR 124.10(a)(1)(iv)	An appeal has been granted under § 124.19(c);	Reserve.XXX.NMAC	(x) An appeal has been granted under § 124.19(c);	Similar to CFR	
30	40 CFR 124.10(a)(2)	No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied under § 124.5(b). Written notice of that denial shall be given to the requester and to the permittee.	Reserve.XXX.NMAC	(x) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied under § 124.5(b). Written notice of that denial shall be given to the requester and to the permittee.	Similar to CFR	
31	40 CFR 124.10(b)(1) (See also 145.11(a)(28))	Timing (applicable to State programs, see §145.11 (UIC)). Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under paragraph (a) of this section shall allow at least 30 days for public comment.	Reserve.XXX.NMAC	(x) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under paragraph (a) of this section shall allow at least 30 days for public comment.	Similar to CFR	
32	40 CFR 124.10(b)(2) (See also 145.11(a)(28))	Public notice of a public hearing shall be given at least 30 days before the hearing. (Public notice of the hearing may be given	Reserve.XXX.NMAC	(x) Public notice of a public hearing shall be given at least 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and the two	Text is identical	

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		at the same time as public notice of the draft permit and the two notices may be combined.)		notices may be combined.)		
33	40 CFR 124.10(c)(1) (See also 145.11(a)(28))	Methods (applicable to State programs, see 40 CFR 145.11 (UIC)). Public notice of activities described in paragraph (a)(1) of this section shall be given by the following methods: (1) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits);	Reserve.XXX.NMAC	(x) Methods (see 40 CFR 145.11 (UIC)). Public notice of activities described in paragraph (a)(1) of this section shall be given by the following methods: (1) Electronic mailing (email) or by mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits);	More Stringent	
34	40 CFR 124.10(c)(1)(i) (See also 145.11(a)(28))	The applicant;	Reserve.XXX.NMAC	(x) The applicant;	Text is identical	
35	40 CFR 124.10(c)(1)(ii) (See also 145.11(a)(28))	Any other agency which the Director knows has issued or is required to issue a RCRA, UIC, PSD (or other permit under the Clean Air Act), NPDES, 404, sludge management permit, or ocean dumping permit under the Marine Research Protection and Sanctuaries	Reserve.XXX.NMAC	(x) Any other agency which the Director knows has issued or is required to issue a RCRA, UIC, PSD (or other permit under the Clean Air Act), NPDES, 404, sludge management permit, or ocean dumping permit under the Marine Research Protection and	Similar to CFR	

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		Act for the same facility or activity (including EPA when the draft permit is prepared by the State);		Sanctuaries Act for the same facility or activity (including the EPA).		
36	40 CFR 124.10(c)(1)(iii) (See also 145.11(a)(28))	Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the Advisory Council on Historic Preservation, State Historic Preservation Officers, including any affected States (Indian Tribes). (For purposes of this paragraph, and in the context of the Underground Injection Control Program only, the term State includes Indian Tribes treated as States.)	Reserve.XXX.NMAC	(x) Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the Advisory Council on Historic Preservation, <i>The New Mexico Energy, Minerals, and Natural Resources Department (EMNRD)</i> , State Historic Preservation Officers, including any affected States (Indian Tribes). (For purposes of this paragraph, and in the context of the Underground Injection Control Program only, the term State includes Indian Tribes treated as States.)	Similar to CFR	
37	40 CFR 124.10(c)(1)(ix)(A) (See also 145.11(a)(28))	Persons on a mailing list developed by: (A) Including those who request in writing to be on the list;	Reserve.XXX.NMAC	(x) Persons on a mailing list developed by: (A) Including those who request in writing to be on the list;	Similar to CFR	
38	40 CFR 124.10(c)(1)(ix)(B) (See also 145.11(a)(28))	Soliciting persons for “area lists” from participants in past permit proceedings in that area; and	Reserve.XXX.NMAC	(x) Soliciting persons for “area lists” from participants in past permit proceedings in that area; and	Text is identical	
39	40 CFR 124.10(c)(1)(ix)(C) (See also 145.11(a)(28))	Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such	Reserve.XXX.NMAC	(x) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and	Text is identical	

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		publications as Regional and State funded newsletters, environmental bulletins, or State law journals. (The Director may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Director may delete from the list the name of any person who fails to respond to such a request.)		in such publications as Regional and State funded newsletters, environmental bulletins, or State law journals. (The Director may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Director may delete from the list the name of any person who fails to respond to such a request.)		
40	40 CFR 124.10(c)(1)(x) (See also 145.11(a)(28))	(A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and (B) to each State agency having any authority under State law with respect to the construction or operation of such facility.	Reserve.XXX.NMAC	(x) (A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and (B) to each State agency having any authority under State law with respect to the construction or operation of such facility.	Similar to CFR	
41	40 CFR 124.10(c)(1)(xi) (See also 145.11(a)(28))	For Class VI injection well UIC permits, mailing or emailing a notice to State and local oil and gas regulatory agencies and State agencies regulating mineral exploration and recovery, the Director of the Public Water Supply Supervision program in the State, and all agencies that oversee injection wells in the State.	Reserve.XXX.NMAC	(x) For Class VI injection well UIC permits, mailing or emailing a notice to State and local oil and gas regulatory agencies and State agencies regulating water and mineral exploration and recovery, the Director of the Public Water Supply Supervision program in the State, <i>the BLM, the office of the state engineer, the state land office, all tribal authorities,</i> and all agencies that oversee injection wells in the State.	Similar to CFR	

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42	40 CFR 124.10(c)(2)(i) (See also 145.11(a)(28))	For major permits publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity;	Reserve.XXX.NMAC	(x) For major permits publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity;	Text is identical	
43	40 CFR 124.10(c)(3) (See also 145.11(a)(28))	When the program is being administered by an approved State, in a manner constituting legal notice to the public under State law; and	Reserve.XXX.NMAC	(x) When the program is being administered by an approved State, in a manner constituting legal notice to the public under State law; and	Text is identical	
44	40 CFR 124.10(c)(4) (See also 145.11(a)(28))	Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.	Reserve.XXX.NMAC	(x) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.	Text is identical	
45	40 CFR 124.10(d)(1) (See also 145.11(a)(28))	Contents (applicable to State programs, see §145.11 (UIC))—(1) All public notices. All public notices issued under this part shall contain the following minimum information:	Reserve.XXX.NMAC	(x) All public notices issued under this part shall contain the following minimum information:	Text is identical	
46	40 CFR 124.10(d)(1)(i) (See also 145.11(a)(28))	Name and address of the office processing the permit action for which notice is being given;	Reserve.XXX.NMAC	(x) Name and address of the <i>Division of The New Mexico Energy, Minerals, and Natural Resources Department (EMNRD)</i> , the office processing the permit action for which notice is being given;	Similar to CFR	
47	40 CFR 124.10(d)(1)(ii) (See also 145.11(a)(28))	Name and address of the permittee or permit applicant and, if different, of the facility or activity	Reserve.XXX.NMAC	(x) Name and address of the permittee or permit applicant and, if different, of the facility or	Text is identical	

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		regulated by the permit;		activity regulated by the permit;		
48	40 CFR 124.10(d)(1)(iii) (See also 145.11(a)(28))	A brief description of the business conducted at the facility or activity described in the permit application or the draft permit.	Reserve.XXX.NMAC	(x) A brief description of the business conducted at the facility or activity described in the permit application or the draft permit.	Text is identical	
49	40 CFR 124.10(d)(1)(iv) (See also 145.11(a)(28))	Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, fact sheet, and the application; and	Reserve.XXX.NMAC	(x) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, fact sheet, and the application; and	Text is identical	
50	40 CFR 124.10(d)(1)(v) (See also 145.11(a)(28))	A brief description of the comment procedures required by §§ 124.11 and 124.12 and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision.	Reserve.XXX.NMAC	(x) A brief description of the comment procedures required by §§ 124.11 and 124.12 and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision.	Similar to CFR	
51	40 CFR 124.10(d)(1)(x) (See also 145.11(a)(28))	Any additional information considered necessary or proper.	Reserve.XXX.NMAC	(x) Any additional information considered necessary or proper.	Text is identical	
52	40 CFR 124.10(d)(2) (See also 145.11(a)(28))	Public notices for hearings. In addition to the general public notice described in paragraph (d)(1) of this section, the public notice of a	Reserve.XXX.NMAC	(x) Public notices for hearings. In addition to the general public notice described in paragraph (d)(1) of this section, the public notice of a hearing under § 124.12 shall contain the following	Similar to CFR	

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		hearing under § 124.12 shall contain the following information:		information:		
53	40 CFR 124.10(d)(2)(i) (See also 145.11(a)(28))	Reference to the date of previous public notices relating to the permit;	Reserve.XXX.NMAC	(x) Reference to the date of previous public notices relating to the permit;	Text is identical	
54	40 CFR 124.10(d)(2)(ii) (See also 145.11(a)(28))	Date, time, and place of the hearing;	Reserve.XXX.NMAC	(x) Date, time, and place of the hearing;	Text is identical	
55	40 CFR 124.10(d)(2)(iii) (See also 145.11(a)(28))	A brief description of the nature and purpose of the hearing, including the applicable rules and procedures;	Reserve.XXX.NMAC	(x) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures;	Text is identical	
56	40 CFR 124.10(e) (See also 145.11(a)(28))	(Applicable to State programs, see §145.11 (UIC).) In addition to the general public notice described in paragraph (d)(1) of this section, all persons identified in paragraphs (c)(1) (i), (ii), (iii), and (iv) of this section shall be mailed a copy of the fact sheet, the permit application (if any) and the draft permit (if any).	Reserve.XXX.NMAC	(x) In addition to the general public notice described in paragraph (d)(1) of this section, all persons identified in paragraphs (c)(1) (i), (ii), (iii), and (iv) of this section shall be mailed a copy of the fact sheet, the permit application (if any) and the draft permit (if any).	Similar to CFR	
40 CFR 124.11 Public comments and requests for public hearings.						
57	40 CFR 124.11 (See also 145.11(a)(29))	(Applicable to State programs, see §145.11 (UIC).) During the public	Reserve.XXX.NMAC	(x) During the public comment period provided under § 124.10, any interested person may submit	Similar to CFR	

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		comment period provided under § 124.10, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in § 124.17.		written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in § 124.17.		
40 CFR 124.12 Public hearings.						
58	40 CFR 124.12(a)(1) (See also 145.11(a)(30))	(Applicable to State programs, see §145.11 (UIC).) (1) The Director shall hold a public hearing whenever he or she finds, on the basis of requests, a significant degree of public interest in a draft permit(s);	Reserve.XXX.NMAC	(x) The Director shall hold a public hearing whenever he or she finds, on the basis of requests, a significant degree of public interest in a draft permit(s);	Text is identical	
59	40 CFR 124.12(a)(2) (See also 145.11(a)(30))	The Director may also hold a public hearing at his or her discretion, whenever, for instance, such a hearing might	Reserve.XXX.NMAC	(x) The Director may also hold a public hearing at his or her discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit	Text is identical	

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		clarify one or more issues involved in the permit decision;		decision;		
60	40 CFR 124.12(a)(4) (See also 145.11(a)(30))	Public notice of the hearing shall be given as specified in § 124.10.	Reserve.XXX.NMAC	(x) Public notice of the hearing shall be given as specified in § 124.10.	Similar to CFR	
61	40 CFR 124.12(c)	Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under § 124.10 shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.	Reserve.XXX.NMAC	(x) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under § 124.10 shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.	Similar to CFR	
62	40 CFR 124.12(d)	A tape recording or written transcript of the hearing shall be made available to the public.	Reserve.XXX.NMAC	(x) A tape recording or written transcript of the hearing shall be made available to the public.	Text is identical	
40 CFR 124.15 Issuance and effective date of permit						
63	40 CFR 124.15 (a)	After the close of the public comment period under § 124.10 on a draft permit,	Reserve.XXX.NMAC	(x) After the close of the public comment period under § 124.10 on a draft permit, the	Similar to CFR	

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		the Regional Administrator shall issue a final permit decision. The Regional Administrator shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a decision on a UIC permit under § 124.19 of this part. For the purposes of this section, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.		Director shall issue a final permit decision. The Director shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a decision on a UIC permit under § 124.19 of this part. For the purposes of this section, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.		
64	No Equivalent Federal Requirement	No Equivalent Federal Requirement	Reserve.XXX.NMAC	(x) A permit to construct a Class VI injection well issued by the Oil Conservation Division (OCD) shall be valid for a period of two years from the date of issuance. If drilling operations have not commenced within the two year period, the permit shall automatically terminate without further notice. The owner or operator may request an extension by submitting a written request to	More stringent	

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				the OCD Engineering Bureau at least thirty days prior to the expiration of the initial two year period. Such a request must demonstrate good cause for the delay and include a revised timeline for drilling, a detailed explanation of the circumstances necessitating the extension, and any relevant supporting documentation. The OCD may approve the extension if it determines that the delay is justified and consistent with the objectives of the Class VI program.		
40 CFR 124.17 Response to comments.						
65	40 CFR 124.17(a) (See also 145.11(a)(31))	(Applicable to State programs, see § 145.11 (UIC).) At the time that any final permit decision is issued under § 124.15, the Director shall issue a response to comments. States are only required to issue a response to comments when a final permit is issued. This response shall:	Reserve.XXX.NMAC	(x) At the time that a final permit is issued, the Director shall issue a response to comments. This response shall:	Similar to CFR	
66	40 CFR 124.17(a)(1) (See also 145.11(a)(31))	Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and	Reserve.XXX.NMAC	(x) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the	Text is identical	

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		the reasons for the change; and		change; and		
67	40 CFR 124.17(a)(2) (See also 145.11(a)(31))	Briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.	Reserve.XXX.NMAC	(x) Briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.	Text is identical	
68	40 CFR 124.17(c) (See also 145.11(a)(31))	(Applicable to State programs, see §145.11 (UIC).) The response to comments shall be available to the public.	Reserve.XXX.NMAC	(x) The response to comments shall be available to the public.	Similar to CFR	
PART 144--UNDERGROUND INJECTION CONTROL PROGRAM						
SUBPART A--GENERAL PROVISIONS						
40 CFR 144.1 Purpose and scope of Part 144.						
69	40 CFR 144.1(f)(1)(viii)	Subpart H of 40 CFR 146 sets forth requirements for owners or operators of Class VI injection wells.	Reserve.XXX.NMAC	(x) Subpart H of 40 CFR 146 sets forth requirements for owners or operators of Class VI injection wells.	Similar to CFR	
	40 CFR 144.1(g)	<i>Scope of the permit or rule requirement.</i> The UIC permit program regulates underground injection by six classes of wells (see definition of “well injection,” 40 CFR 144.3). The six classes of wells are set forth in 40 CFR 144.6. All owners or operators of these injection wells must be authorized either by	N/A	N/A	Please note that this rule is a summary of the UIC program and all well classes and equivalent language does not appear to be required for State Class VI programs.	

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		permit or rule by the Director. In carrying out the mandate of the SDWA, this subpart provides that no injection shall be authorized by permit or rule if it results in the movement of fluid containing any contaminant into underground sources of drinking water (USDWs –see 40 CFR 144.3 for definition), if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR part 141 or may adversely affect the health of persons (40 CFR 144.12). Existing Class IV wells which inject hazardous waste directly into an underground source of drinking water are to be eliminated over a period of six months and new such Class IV wells are to be prohibited (40 CFR 144.13). For Class V wells, if remedial action appears necessary, a permit may be				

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		required (40 CFR 144.25) or the Director must require remedial action or closure by order (40 CFR 144.6(c)). During UIC program development, the Director may identify aquifers and portions of aquifers which are actual or potential sources of drinking water. This will provide an aid to the Director in carrying out his or her duty to protect all USDWs. An aquifer is a USDW if it fits the definition under § 144.3, even if it has not been “identified.” The Director may also designate “exempted aquifers” using the criteria in 40 CFR 146.4 of this chapter.				
70	40 CFR 144.1(g) continued	Such aquifers are those which would otherwise qualify as “underground sources of drinking water” to be protected, but which have no real potential to be used as drinking water sources. Therefore, they are not USDWs. No aquifer is	Reserve.XXX.NMAC	(x) Such aquifers are those which would otherwise qualify as “underground sources of drinking water” to be protected, but which have no real potential to be used as drinking water sources. Therefore, they are not USDWs. No aquifer is an exempted aquifer until it has been affirmatively	Similar to CFR	

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		an exempted aquifer until it has been affirmatively designated under the procedures at § 144.7. Aquifers which do not fit the definition of “underground source of drinking water” are not “exempted aquifers.” They are simply not subject to the special protection afforded USDWs. During initial Class VI program development, the Director shall not expand the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for Class VI injection wells and EPA shall not approve a program that applies for aquifer exemption expansions of Class II-Class VI exemptions as part of the program description. All Class II to Class VI aquifer exemption expansions previously issued by EPA must be incorporated into the Class VI program		designated under the procedures at § 144.7. Aquifers which do not fit the definition of “underground source of drinking water” are not “exempted aquifers.” They are simply not subject to the special protection afforded USDWs. During initial Class VI program development, the Director shall not expand the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for Class VI injection wells and EPA shall not approve a program that applies for aquifer exemption expansions of Class II-Class VI exemptions as part of the program description. All Class II to Class VI aquifer exemption expansions previously issued by EPA must be incorporated into the Class VI program descriptions pursuant to requirements at § 145.23(f)(9).		

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		descriptions pursuant to requirements at § 145.23(f)(9).				
40 CFR 144.3 Definitions.						
	40 CFR 144.3	<i>Administrator</i> means the Administrator of the United States Environmental Protection Agency, or an authorized representative.	N/A	N/A	Not required for state programs	
71		<i>Application</i> means the EPA standard national forms for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in approved States, including any approved modifications or revisions.	Reserve.XXX.NMAC	(x) <i>Application</i> means a submission by an individual or entity, using the prescribed forms, to request authorization for underground injection activities, inclusive of any subsequent amendments, updates, or supplements to the original submission.	Similar to CFR	
		<i>Appropriate Act and regulations</i> means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA); or Safe Drinking Water Act (SDWA), whichever is applicable; and applicable regulations promulgated under those statutes.	N/A	N/A	Not required for state programs	

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		<i>Approved State Program</i> means a UIC program administered by the State or Indian Tribe that has been approved by EPA according to SDWA sections 1422 and/or 1425.	N/A	N/A	Not required for state programs	
72		<i>Aquifer</i> means a geological “formation,” group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.	Reserve.XXX.NMAC	(x) <i>Aquifer</i> means a geological “formation,” group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.	Text is identical	
73		<i>Area of review</i> means the area surrounding an injection well described according to the criteria set forth in § 146.06 or in the case of an area permit, the project area plus a circumscribing area the width of which is either 1/4 of a mile or a number calculated according to the criteria set forth in § 146.06.	Reserve.XXX.NMAC	(x) <i>Area of review</i> means the area surrounding an injection well described according to the criteria set forth in § 146.06 or in the case of an area permit, the project area plus a circumscribing area the width of which is either 1/4 of a mile or a number calculated according to the criteria set forth in § 146.06.	Similar to CFR	
74		<i>Cesspool</i> means a “drywell” that receives	Reserve.XXX.NMAC	(x) <i>Cesspool</i> means a “drywell” that receives untreated sanitary	Text is identical	

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		untreated sanitary waste containing human excreta, and which sometimes has an open bottom and/or perforated sides.		waste containing human excreta, and which sometimes has an open bottom and/or perforated sides.		
75		<i>Contaminant</i> means any physical, chemical, biological, or radiological substance or matter in water.	Reserve.XXX.NMAC	(x) <i>Contaminant</i> means any physical, chemical, biological, or radiological substance or matter in water.	Text is identical	
76		<i>Director</i> means the Regional Administrator, the State director or the Tribal director as the context requires, or an authorized representative. When there is no approved State or Tribal program, and there is an EPA administered program, “Director” means the Regional Administrator. When there is an approved State or Tribal program, “Director” normally means the State or Tribal director. In some circumstances, however, EPA retains the authority to take certain actions even when there is an approved State or Tribal	Reserve.XXX.NMAC	(x) <i>Director</i> means the director of the New Mexico Energy, Minerals and Natural Resources Department, Oil Conservation Division.	Similar to CFR	

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		program. In such cases, the term “Director” means the Regional Administrator and not the State or Tribal director.				
77		<i>Draft permit</i> means a document prepared under §124.6 indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a “permit.” A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in §124.5 are types of “draft permits.” A denial of a request for modification, revocation and reissuance, or termination, as discussed in §124.5 is not a “draft permit.”	Reserve.XXX.NMAC	(x) <i>Draft permit</i> means a document prepared under §124.6 indicating the Director's decision to issue or deny, modify, revoke and reissue, terminate, or reissue a “permit.” A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in §124.5 are types of “draft permits.” A denial of a request for modification, revocation and reissuance, or termination, as discussed in §124.5 is not a “draft permit.”	Similar to CFR	
78		<i>Drilling mud</i> means a heavy suspension used in drilling an “injection well,” introduced down the drill pipe and through the drill bit.	Reserve.XXX.NMAC	(x) <i>Drilling mud</i> means a heavy suspension used in drilling an “injection well,” introduced down the drill pipe and through the drill bit	Text is identical	
79		<i>Drywell</i> means a well, other than an improved sinkhole or subsurface	Reserve.XXX.NMAC	(x) <i>Drywell</i> means a well, other than an improved sinkhole or subsurface fluid distribution	Text is identical	

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		fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids.		system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids.		
80		<i>Eligible Indian Tribe</i> is a Tribe that meets the statutory requirements established at 42 U.S.C. 300j-11(b)(1).	Reserve.XXX.NMAC	(x) <i>Eligible Indian Tribe</i> is a Tribe that meets the statutory requirements established at 42 U.S.C. 300j-11(b)(1).	Text is identical	
81		<i>Emergency permit</i> means a UIC “permit” issued in accordance with § 144.34.	Reserve.XXX.NMAC	(x) <i>Emergency permit</i> means a UIC “permit” issued in accordance with § 144.34.	Similar to CFR	
82		<i>Environmental Protection Agency</i> (“EPA”) means the United States Environmental Protection Agency.	Reserve.XXX.NMAC	(x) <i>Environmental Protection Agency</i> (“EPA”) means the United States Environmental Protection Agency.	Text is identical	
83		<i>Exempted aquifer</i> means an “aquifer” or its portion that meets the criteria in the definition of “underground source of drinking water” but which has been exempted according to the procedures in §144.7.	Reserve.XXX.NMAC	(x) <i>Exempted aquifer</i> means an “aquifer” or its portion that meets the criteria in the definition of “underground source of drinking water” but which has been exempted according to the procedures in §144.7.	Text is identical	
84		<i>Existing injection well</i> means an “injection well” other than a “new injection well.”	Reserve.XXX.NMAC	(x) <i>Existing injection well</i> means an “injection well” other than a “new injection well.”	Text is identical	
85		<i>Facility or activity</i> means any UIC “injection well,” or any other facility or	Reserve.XXX.NMAC	(x) <i>Facility or activity</i> means any UIC “injection well,” or any other facility or activity that is subject to	Similar to CFR	

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		activity that is subject to regulation under the UIC program.		regulation under these regulations.		
86		<i>Fluid</i> means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.	Reserve.XXX.NMAC	(x) <i>Fluid</i> means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.	Text is identical	
87		<i>Formation</i> means a body of consolidated or unconsolidated rock characterized by a degree of lithologic homogeneity which is prevailingly, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.	Reserve.XXX.NMAC	(x) <i>Formation</i> means a body of consolidated or unconsolidated rock characterized by a degree of lithologic homogeneity which is prevailingly, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.	Text is identical	
88		<i>Formation fluid</i> means “fluid” present in a “formation” under natural conditions as opposed to introduced fluids, such as “drilling mud.”	Reserve.XXX.NMAC	(x) <i>Formation fluid</i> means “fluid” present in a “formation” under natural conditions as opposed to introduced fluids, such as “drilling mud.”	Text is identical	
89		<i>Generator</i> means any person, by site location, whose act or process produces hazardous waste identified or listed in 40 CFR part 2361.	Reserve.XXX.NMAC	(x) <i>Generator</i> any individual or entity, identified by a specific site location, whose actions or operations result in the creation of hazardous waste as defined under the New Mexico Hazardous Waste Management Regulations (20.4.1	Similar to CFR	

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				NMAC), or who is responsible for producing or causing the production of any fluid intended for subsurface injection under applicable New Mexico Oil Conservation Division rules (19.15 NMAC).		
90		<i>Geologic sequestration</i> means the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations. This term does not apply to carbon dioxide capture or transport.	Reserve.XXX.NMAC	(x) <i>Geologic sequestration</i> means the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations. This term does not apply to carbon dioxide capture or transport.	Text is identical	
91		<i>Ground water</i> means water below the land surface in a zone of saturation.	Reserve.XXX.NMAC	(x) <i>Ground water</i> means water below the land surface in a zone of saturation.	Text is identical	
92		<i>Hazardous waste</i> means a hazardous waste as defined in 40 CFR 261.3.	Reserve.XXX.NMAC	(x) <i>Hazardous waste</i> means a hazardous waste as defined in 40 CFR 261.3.	Text is identical	
93		<i>Hazardous waste management facility</i> (“HWM facility”) means all contiguous land, and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may	Reserve.XXX.NMAC	(x) <i>Hazardous waste management facility</i> (“HWM facility”) means all contiguous land, and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (for	Text is identical	

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		<p>consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combination of them).</p> <p><i>HWM facility</i> means “Hazardous Waste Management facility”</p>		<p>example, one or more landfills, surface impoundments, or combination of them).</p> <p>HWM facility means “Hazardous Waste Management facility”</p>		
94		<p><i>Improved sinkhole</i> means a naturally occurring karst depression or other natural crevice found in volcanic terrain and other geologic settings which have been modified by man for the purpose of directing and emplacing fluids into the subsurface.</p>	Reserve.XXX.NMAC	<p>(x) <i>Improved sinkhole</i> means a naturally occurring karst depression or other natural crevice found in volcanic terrain and other geologic settings which have been modified by man for the purpose of directing and emplacing fluids into the subsurface.</p>	Text is identical	
95		<p><i>Indian lands</i> means “Indian country” as defined in 18 U.S.C. 1151. That section defines Indian country as: (a) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the</p>	Reserve.XXX.NMAC	<p>(x) <i>Indian lands</i> means “Indian country” as defined in 18 U.S.C. 1151. That section defines Indian country as: (a) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-</p>	Text is identical	

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		issuance of any patent, and, including rights-of-way running through the reservation; (b) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.		of-way running through the reservation; (b) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.		
96		<i>Indian Tribe</i> means any Indian Tribe having a Federally recognized governing body carrying out substantial governmental duties and powers over a defined area.	Reserve.XXX.NMAC	(x) <i>Indian Tribe</i> means any Indian Tribe having a Federally recognized governing body carrying out substantial governmental duties and powers over a defined area.	Text is identical	
97		<i>Injection well</i> means a “well” into which “fluids” are being injected.	Reserve.XXX.NMAC	(x) <i>Injection well</i> means a “well” into which “fluids” are being injected.	Text is identical	
98		<i>Injection zone</i> means a geological “formation” group of formations, or part of a formation receiving fluids through a “well.”	Reserve.XXX.NMAC	(x) <i>Injection zone</i> means a geological “formation” group of formations, or part of a formation receiving fluids through a “well.”	Text is identical	
99		<i>Major facility</i> means any	Reserve.XXX.NMAC	(x) <i>Major facility</i> means any UIC	Similar to CFR	

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		UIC “facility or activity” classified as such by the Regional Administrator, or, in the case of approved State programs, the Regional Administrator in conjunction with the State Director.		“facility or activity” classified as such by the Director		
100		<i>Manifest</i> means the shipping document originated and signed by the “generator” which contains the information required by subpart B of 40 CFR part 2362.	Reserve.XXX.NMAC	(x) <i>Manifest</i> means the shipping document EPA Form 8700-22 (including, if necessary, EPA Form 8700-22A), originated and signed in accordance with the applicable requirements of § 20.4.1.500 NMAC (incorporating 40 CFR Part 2362).	Similar to CFR	
101		<i>New injection</i> wells means an “injection well” which began injection after a UIC program for the State applicable to the well is approved or prescribed.	Reserve.XXX.NMAC	(x) <i>New Injection Well</i> means a well which began injection after the New Mexico Class VI Underground Injection Control program is approved and the applicable New Mexico Oil Conservation Division rules and regulations are promulgated.	Similar to CFR	
102		<i>Owner or operator</i> means the owner or operator of any “facility or activity” subject to regulation under the UIC program.	Reserve.XXX.NMAC	(x) <i>Owner or operator</i> means the owner or operator of any “facility or activity” subject to regulation under the UIC program.	Text is identical	
103		<i>Permit</i> means an authorization, license, or equivalent control	Reserve.XXX.NMAC	(x) <i>Permit</i> means an authorization, license, or equivalent control document	Similar to CFR	

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		document issued by EPA or an approved State to implement the requirements of this part, parts 145, 146 and 124. “Permit” includes an area permit (§144.33) and an emergency permit (§144.34). Permit does not include UIC authorization by rule (§144.21), or any permit which has not yet been the subject of final agency action, such as a “draft permit.”		issued by the Director to implement the requirements of these regulations. A permit includes but is not limited to: area permits and emergency permits. Permit does not include UIC authorization by rule or any permit which has not yet been the subject of final agency action, such as a “draft permit.”		
104		<i>Person</i> means an individual, association, partnership, corporation, municipality, state, federal, or tribal agency, or an agency or employee thereof	Reserve.XXX.NMAC	(x) <i>Person</i> means an individual, association, partnership, corporation, municipality, state, federal, or tribal agency, or an agency or employee thereof	Text is identical	
105		<i>Plugging</i> means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.	Reserve.XXX.NMAC	(x) <i>Plugging</i> means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.	Text is identical	
106		<i>Point of injection</i> means the last accessible sampling point prior to waste fluids being released into the	Reserve.XXX.NMAC	(x) <i>Point of injection</i> means the last accessible sampling point prior to waste fluids being released into the subsurface	Text is identical	

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		subsurface environment through a Class V injection well. For example, the point of injection of a Class V septic system might be the distribution box—the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.		environment through a Class V injection well. For example, the point of injection of a Class V septic system might be the distribution box—the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.		
107		<i>Project</i> means a group of wells in a single operation.	Reserve.XXX.NMAC	(x) <i>Project</i> means a group of wells in a single operation.	Text is identical	
108		<i>Radioactive Waste</i> means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR part 20, appendix B, table II, column 2.	Reserve.XXX.NMAC	(x) <i>Radioactive Waste</i> means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR part 20, appendix B, table II, column 2.	Text is identical	
109		<i>RCRA</i> means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94–580, as amended by Pub. L. 95–3609, Pub. L. 96–510, 42 U.S.C. 6901 et seq.).	Reserve.XXX.NMAC	(x) <i>RCRA</i> means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94–580, as amended by Pub. L. 95–3609, Pub. L. 96–510, 42 U.S.C. 6901 et seq.).	Text is identical	
		<i>Regional Administrator</i> means the Regional	N/A	N/A	Not required for state programs	

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		Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.				
110		<i>SDWA</i> means the Safe Drinking Water Act (Pub. L. 93– 523, as amended; 42 U.S.C. 300f et seq.).	Reserve.XXX.NMAC	(x) <i>SDWA</i> means the Safe Drinking Water Act (Pub. L. 93– 523, as amended; 42 U.S.C. 300f et seq.).	Text is identical	
111		<i>Site</i> means the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity.	Reserve.XXX.NMAC	(x) <i>Site</i> means the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity.	Text is identical	
112		<i>State</i> means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or an Indian Tribe treated as a State.	Reserve.XXX.NMAC	(x) <i>State</i> means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or an Indian Tribe treated as a State.	Text is identical	

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113		<i>State Director</i> means the chief administrative officer of any State, interstate, or Tribal agency operating an “approved program,” or the delegated representative of the State director. If the responsibility is divided among two or more States, interstate, or Tribal agencies, “State Director” means the chief administrative officer of the State, interstate, or Tribal agency authorized to perform the particular procedure or function to which reference is made.	Reserve.XXX.NMAC	(x) <i>Director</i> means the director of the New Mexico Energy, Minerals and Natural Resources Department, Oil Conservation Division.	Similar to CFR	
114		<i>Stratum</i> (plural strata) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.	Reserve.XXX.NMAC	(x) <i>Stratum</i> (plural strata) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.	Text is identical	
115		<i>Subsurface fluid distribution system</i> means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.	Reserve.XXX.NMAC	(x) <i>Subsurface fluid distribution system</i> means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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116		<i>Total dissolved solids</i> means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR part 136.	Reserve.XXX.NMAC	(x) <i>Total dissolved solids</i> means total dissolved solids as determined by the "calculation method" (sum of constituents), by the "residue on evaporation method at 180 degrees" of the "U.S. geological survey techniques of water resource investigations," or by conductivity, as the Director may determine;	Similar to CFR	
117		<i>Transferee</i> means the owner or operator receiving ownership and/or operational control of the well.	Reserve.XXX.NMAC	(x) <i>Transferee</i> means the owner or operator receiving ownership and/or operational control of the well.	Text is identical	
118		<i>Transferor</i> means the owner or operator transferring ownership and/or operational control of the well.	Reserve.XXX.NMAC	(x) <i>Transferor</i> means the owner or operator transferring ownership and/or operational control of the well.	Text is identical	
119		<i>UIC</i> means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including an "approved State program."	Reserve.XXX.NMAC	(x) <i>UIC</i> means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including an "approved State program."	Text is identical	
120		<i>Underground injection</i> means a "well injection."	Reserve.XXX.NMAC	(x) <i>Underground injection</i> means a "well injection."	Text is identical	
121		<i>Underground source of drinking water (USDW)</i> means an aquifer or its	Reserve.XXX.NMAC	(x) Underground source of drinking water (USDW) means an aquifer or its portion:	Similar to CFR	

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		portion: (a)(1) Which supplies any public water system; or (2) Which contains a sufficient quantity of ground water to supply a public water system; and (i) Currently supplies drinking water for human consumption; or (ii) Contains fewer than 10,000 mg/l total dissolved solids; and (b) Which is not an exempted aquifer.		(a)(1) Which supplies any public water system; or (2) Which contains a sufficient quantity of ground water to supply a public water system; and (i) Currently supplies drinking water for human consumption; or (ii) Contains fewer than 10,000 mg/l total dissolved solids; and (b) Which is not an exempted aquifer.		
122		<i>Well</i> means: A bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.	Reserve.XXX.NMAC	(x) <i>Well</i> means: A bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.	Similar to CFR	
123		<i>Well injection</i> means the subsurface emplacement of fluids through a well.	Reserve.XXX.NMAC	(x) <i>Well injection</i> means the subsurface emplacement of fluids through a well.	Text is identical	
40 CFR 144.5 Confidentiality of information.						
124	40 CFR 144.5 (a)	In accordance with 40 CFR part 2, any information	Reserve.XXX.NMAC	(x) Any information submitted pursuant to these regulations may	Similar to CFR	

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		submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (Public Information).		be claimed as confidential by the submitter in accordance with applicable provisions of state law. A claim of confidentiality must be made at the time of submission, either in the manner prescribed by the applicable application form or instructions, or by clearly marking each page containing such information with the phrase “confidential business information.” Failure to assert a confidentiality claim at the time of submission may result in the Division making the information available to the public without further notice. Information properly designated as confidential shall be handled in accordance with the procedures set forth in applicable state law and any incorporated federal confidentiality provisions, including but not limited to 40 CFR Part 2.		
125	40 CFR 144.5 (b) (See also 145.11(a)(1))	Claims of confidentiality for the following information will be denied: (1) The name and address of any permit applicant or permittee; (2) Information	Reserve.XXX.NMAC	(x) Claims of confidentiality for the following information will be denied: (1) The name and address of any permit applicant or permittee; (2) Information which deals with the existence, absence,	Similar to CFR	

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		which deals with the existence, absence, or level of contaminants in drinking water.		or level of contaminants in drinking water <i>or zones other than the approved injection zone.</i>		
40 CFR 144.6 Classification of wells						
126	40 CFR 144.6 (See also 145.11(a)(2))	Injection wells are classified as follows:	Reserve.XXX.NMAC	(x) Injection wells are classified as follows:	Text is identical	
127	40 CFR 144.6(f) (See also 145.11(a)(2))	<i>Class VI.</i> Wells that are not experimental in nature that are used for geologic sequestration of carbon dioxide beneath the lowermost formation containing a USDW; or, wells used for geologic sequestration of carbon dioxide that have been granted a waiver of the injection depth requirements pursuant to requirements at § 146.95 of this chapter; or, wells used for geologic sequestration of carbon dioxide that have received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to §§ 146.4 of this chapter and 144.7(d).	Reserve.XXX.NMAC	(x) <i>Class VI.</i> Wells that are not experimental in nature that are used for geologic sequestration of carbon dioxide beneath the lowermost formation containing a USDW; or, wells used for geologic sequestration of carbon dioxide that have been granted a waiver of the injection depth requirements pursuant to requirements at § 146.95 of this chapter; or, wells used for geologic sequestration of carbon dioxide that have received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to §§ 146.4 of this chapter and 144.7(d).	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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40 CFR 144.7 Identification of underground sources of drinking water and exempted aquifers						
128	40 CFR 144.7(a) (See also 145.11(a)(3))	The Director may identify (by narrative description, illustrations, maps, or other means) and shall protect as underground sources of drinking water, all aquifers and parts of aquifers which meet the definition of “underground source of drinking water” in § 144.3, except to the extent there is an applicable aquifer exemption under paragraph (b) of this section or an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration under paragraph (d) of this section. Other than EPA approved aquifer exemption expansions that meet the criteria set forth in § 146.4(d) of this chapter, new aquifer exemptions shall not be	Reserve.XXX.NMAC	(x) The Director may identify (by narrative description, illustrations, maps, or other means) and shall protect as underground sources of drinking water, all aquifers and parts of aquifers which meet the definition of “underground source of drinking water” in § 144.3, except to the extent there is an applicable aquifer exemption under paragraph (b) of this section or an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration under paragraph (d) of this section. Other than EPA approved aquifer exemption expansions that meet the criteria set forth in § 146.4(d) of this chapter, new aquifer exemptions shall not be issued for Class VI injection wells. Even if an aquifer has not been specifically identified by the Director, it is an underground source of drinking water if it meets the definition in § 144.3.	Similar to CFR	

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		issued for Class VI injection wells. Even if an aquifer has not been specifically identified by the Director, it is an underground source of drinking water if it meets the definition in § 144.3.				
129	40 CFR 144.7(b)(1) (See also 145.11(a)(3))	The Director may identify (by narrative description, illustrations, maps, or other means) and describe in geographic and/or geometric terms (such as vertical and lateral limits and gradient) which are clear and definite, all aquifers or parts thereof which the Director proposes to designate as exempted aquifers using the criteria in 40 CFR 146.4.	Reserve.XXX.NMAC	(x) The Director may identify (by narrative description, illustrations, maps, or other means) and describe in geographic and/or geometric terms (such as vertical and lateral limits and gradient) which are clear and definite, all aquifers or parts thereof which the Director proposes to designate as exempted aquifers using the criteria in 40 CFR 146.4.	Similar to CFR	
130	40 CFR 144.7(b)(2) (See also 145.11(a)(3))	No designation of an exempted aquifer submitted as part of a UIC program shall be final until approved by the Administrator as part of a UIC program. No designation of an expansion to the areal	Reserve.XXX.NMAC	(x) No designation of an exempted aquifer submitted as part of New Mexico's UIC program shall be final until approved by EPA. No designation of an expansion to the areal extent of a Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for the exclusive	Similar to CFR	

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		extent of a Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration shall be final until approved by the Administrator as a revision to the applicable Federal UIC program under part 147 or as a substantial revision of an approved State UIC program in accordance with § 145.32 of this chapter.		purpose of Class VI injection for geologic sequestration shall be final until approved by EPA as a substantial revision of the state's UIC program under § 145.32.		
131	40 CFR 144.7(d) (See also 145.11(a)(3))	<i>Expansion to the areal extent of existing Class II aquifer exemptions for Class VI wells.</i> Owners or operators of Class II enhanced oil recovery or enhanced gas recovery wells may request that the Director approve an expansion to the areal extent of an aquifer exemption already in place for a Class II enhanced oil recovery or enhanced gas recovery well for the exclusive purpose	Reserve.XXX.NMAC	(x) <i>Expansion to the areal extent of existing Class II aquifer exemptions for Class VI wells.</i> Owners or operators of Class II enhanced oil recovery or enhanced gas recovery wells may request that the Director approve an expansion to the areal extent of an aquifer exemption already in place for a Class II enhanced oil recovery or enhanced gas recovery well for the exclusive purpose of Class VI injection for geologic sequestration. Such requests must be treated as a substantial revision to the state's UIC program and	Similar to CFR	

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		of Class VI injection for geologic sequestration. Such requests must be treated as a revision to the applicable Federal UIC program under part 147 or as a substantial program revision to an approved State UIC program under § 145.32 of this chapter and will not be final until approved by EPA.		will not be final until approved by EPA.		
132	40 CFR 144.7(d)(1) (See also 145.11(a)(3))	The owner or operator of a Class II enhanced oil recovery or enhanced gas recovery well that requests an expansion of the areal extent of an existing aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration must define (by narrative description, illustrations, maps, or other means) and describe in geographic and/or geometric terms (such as vertical and lateral limits and gradient) that are clear and definite, all aquifers or parts thereof that are requested to be designated	Reserve.XXX.NMAC	(x) The owner or operator of a Class II enhanced oil recovery or enhanced gas recovery well that requests an expansion of the areal extent of an existing aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration must define (by narrative description, illustrations, maps, or other means) and describe in geographic and/or geometric terms (such as vertical and lateral limits and gradient) that are clear and definite, all aquifers or parts thereof that are requested to be designated as exempted using the criteria in § 146.4 of this chapter.	Similar to CFR	

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		as exempted using the criteria in § 146.4 of this chapter.				
133	40 CFR 144.7(d)(2) (See also 145.11(a)(3))	In evaluating a request to expand the areal extent of an aquifer exemption of a Class II enhanced oil recovery or enhanced gas recovery well for the purpose of Class VI injection, the Director must determine that the request meets the criteria for exemptions in § 146.4. In making the determination, the Director shall consider:	Reserve.XXX.NMAC	(x) In evaluating a request to expand the areal extent of an aquifer exemption of a Class II enhanced oil recovery or enhanced gas recovery well for the purpose of Class VI injection, the Director must determine that the request meets the criteria for exemptions. In making the determination, the Director shall consider:	Similar to CFR	
134	40 CFR 144.7(d)(2)(i) (See also 145.11(a)(3))	Current and potential future use of the USDWs to be exempted as drinking water resources;	Reserve.XXX.NMAC	(x) Current and potential future use of the USDWs to be exempted as drinking water resources;	Text is identical	
135	40 CFR 144.7(d)(2)(ii) (See also 145.11(a)(3))	The predicted extent of the injected carbon dioxide plume, and any mobilized fluids that may result in degradation of water quality, over the lifetime of the GS project, as informed by computational modeling performed pursuant to § 146.84(c)(1), in order to ensure that the proposed	Reserve.XXX.NMAC	(x) The predicted extent of the injected carbon dioxide plume, and any mobilized fluids that may result in degradation of water quality, over the lifetime of the GS project, as informed by computational modeling. In order to ensure that the proposed injection operation will not at any time endanger USDWs including non-exempted portions of the	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		injection operation will not at any time endanger USDWs including non-exempted portions of the injection formation;		injection formation;		
136	40 CFR 144.7(d)(2)(iii) (See also 145.11(a)(3))	Whether the areal extent of the expanded aquifer exemption is of sufficient size to account for any possible revisions to the computational model during reevaluation of the area of review, pursuant to § 146.84(e); and	Reserve.XXX.NMAC	(x) Whether the areal extent of the expanded aquifer exemption is of sufficient size to account for any possible revisions to the computational model during reevaluation of the area of review.	Similar to CFR	
137	40 CFR 144.7(d)(2)(iv) (See also 145.11(a)(3))	Any information submitted to support a waiver request made by the owner or operator under § 146.95, if appropriate.	Reserve.XXX.NMAC	(x) Any information submitted to support a waiver request made by the owner or operator, if appropriate.	Similar to CFR	
40 CFR 144.8 Noncompliance and program reporting by the Director						
138	40 CFR 144.8(a) (See also 145.11(a)(4))	The Director shall prepare quarterly and annual reports as detailed below. When the State is the permit-issuing authority, the State Director shall submit any reports required under this section to the Regional Administrator. (a)	Reserve.XXX.NMAC	(x) The Director shall submit any reports required under this section to the Regional Administrator. (a) <i>Quarterly reports.</i> The Director shall submit quarterly narrative reports for major facilities as follows:	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		<i>Quarterly reports.</i> The Director shall submit quarterly narrative reports for major facilities as follows:				
139	40 CFR 144.8(a)(1)(i) (See also 145.11(a)(4))	<i>Format.</i> The report shall use the following format: (i) Provide an alphabetized list of permittees. When two or more permittees have the same name, the lowest permit number shall be entered first.	Reserve.XXX.NMAC	(x) The report shall use the following format: (i) Provide an alphabetized list of permittees. When two or more permittees have the same name, the lowest permit number shall be entered first.	Text is identical	
140	40 CFR 144.8(a)(1)(ii) (See also 145.11(a)(4))	For each entry on the list, include the following information in the following order: (A) Name, location, and permit number of the noncomplying permittees. (B) A brief description and date of each instance of noncompliance for that permittee. Instances of noncompliance may include one or more the kinds set forth in paragraph (a)(2) of this section. When a permittee has	Reserve.XXX.NMAC	(x) For each entry on the list, include the following information in the following order: (A) Name, location, and permit number of the noncomplying permittees. (B) A brief description and date of each instance of noncompliance for that permittee. Instances of noncompliance may include one or more of the kinds set forth in paragraph (a)(2) of this section. When a permittee has noncompliance of more than one kind, combine the information into a single entry for each such permittee.	Similar to CFR	

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		<p>noncompliance of more than one kind, combine the information into a single entry for each such permittee.</p> <p>(C) The date(s) and a brief description of the action(s) taken by the Director to ensure compliance.</p> <p>(D) Status of the instance(s) of noncompliance with the date of the review of the status or the date of resolution.</p> <p>Any details which tend to explain or mitigate the instance(s) of noncompliance.</p>		<p>(C) The date(s) and a brief description of the action(s) taken by the Director to ensure compliance.</p> <p>(D) Status of the instance(s) of noncompliance with the date of the review of the status or the date of resolution.</p> <p>Any details which tend to explain or mitigate the instance(s) of noncompliance.</p>		
141	40 CFR 144.8(a)(2) (See also 145.11(a)(4))	<p><i>Instances of noncompliance to be reported.</i> Any instances of noncompliance within the following categories shall be reported in successive reports until the noncompliance is reported as resolved. Once noncompliance is</p>	Reserve.XXX.NMAC	<p>(x) <i>Instances of noncompliance to be reported.</i> Any instances of noncompliance within the following categories shall be reported in successive reports until the noncompliance is reported as resolved. Once noncompliance is reported as resolved it need not appear in subsequent reports.</p>	Text is identical	

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		reported as resolved it need not appear in subsequent reports.				
142	40 CFR 144.8(a)(2)(i) (See also 145.11(a)(4))	<i>Failure to complete construction elements.</i> When the permittee has failed to complete, by the date specified in the permit, an element of a compliance schedule involving either planning for construction or a construction step (for example, begin construction, attain operation level); and the permittee has not returned to compliance by accomplishing the required elements of the schedule within 30 days from the date a compliance schedule report is due under the permit.	Reserve.XXX.NMAC	(x) <i>Failure to complete construction elements.</i> When the permittee has failed to complete, by the date specified in the permit, an element of a compliance schedule involving either planning for construction or a construction step (for example, begin construction, attain operation level); and the permittee has not returned to compliance by accomplishing the required elements of the schedule within 30 days from the date a compliance schedule report is due under the permit.	Text is identical	
143	40 CFR 144.8(a)(2)(ii) (See also 145.11(a)(4))	<i>Modifications to schedules of compliance.</i> When a schedule of compliance in the permit has been modified under §§144.39 or 144.41 because of the permittee's noncompliance.	Reserve.XXX.NMAC	(x) <i>Modifications to schedules of compliance.</i> When a schedule of compliance in the permit has been modified under §§144.39 or 144.41 because of the permittee's noncompliance.	Similar to CFR	
144	40 CFR 144.8(a)(2)(iii)	<i>Failure to complete or</i>	Reserve.XXX.NMAC	(x) <i>Failure to complete or</i>	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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	(See also 145.11(a)(4))	<i>provide compliance schedule or monitoring reports. When the permittee has failed to complete or provide a report required in a permit compliance schedule (for example, progress report or notice of noncompliance or compliance) or a monitoring report; and the permittee has not submitted the complete report within 30 days from the date it is due under the permit for compliance schedules, or from the date specified in the permit for monitoring reports.</i>		<i>provide compliance schedule or monitoring reports. When the permittee has failed to complete or provide a report required in a permit compliance schedule (for example, progress report or notice of noncompliance or compliance) or a monitoring report; and the permittee has not submitted the complete report within 30 days from the date it is due under the permit for compliance schedules, or from the date specified in the permit for monitoring reports.</i>		
145	40 CFR 144.8(a)(2)(iv) (See also 145.11(a)(4))	<i>Deficient reports. When the required reports provided by the permittee are so deficient as to cause misunderstanding by the Director and thus impede the review of the status of compliance.</i>	Reserve.XXX.NMAC	(x) <i>Deficient reports. When the required reports provided by the permittee are so deficient as to cause misunderstanding by the Director and thus impede the review of the status of compliance.</i>	Text is identical	
146	40 CFR 144.8(a)(2)(v) (See also 145.11(a)(4))	<i>Noncompliance with other permit requirements. Noncompliance shall be</i>	Reserve.XXX.NMAC	(x) <i>Noncompliance with other permit requirements. Noncompliance shall be reported in the following circumstances:</i>	Text is identical	

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		reported in the following circumstances:				
147	40 CFR 144.8(a)(2)(v)(A) (See also 145.11(a)(4))	Whenever the permittee has violated a permit requirement (other than reported under paragraph (a)(2) (i) or (ii) of this section), and has not returned to compliance within 45 days from the date reporting of noncompliance was due under the permit; or	Reserve.XXX.NMAC	(x) Whenever the permittee has violated a permit requirement (other than reported under paragraph (a)(2) (i) or (ii) of this section), and has not returned to compliance within 45 days from the date reporting of noncompliance was due under the permit; or	Similar to CFR	
148	40 CFR 144.8(a)(2)(v)(B) (See also 145.11(a)(4))	When the Director determines that a pattern of noncompliance exists for a major facility permittee over the most recent four consecutive reporting periods. This pattern includes any violation of the same requirement in two consecutive reporting periods, and any violation of one or more requirements in each of four consecutive reporting periods; or	Reserve.XXX.NMAC	(x) When the Director determines that a pattern of noncompliance exists for a major facility permittee over the most recent four consecutive reporting periods. This pattern includes any violation of the same requirement in two consecutive reporting periods, and any violation of one or more requirements in each of four consecutive reporting periods; or	Text is identical	
149	40 CFR 144.8(a)(2)(v)(C) (See also 145.11(a)(4))	When the Director determines significant permit noncompliance or other significant event has	Reserve.XXX.NMAC	(x) When the Director determines significant permit noncompliance or other significant event has occurred, such as a migration of	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		occurred, such as a migration of fluids into a USDW.		fluids into a USDW.		
150	40 CFR 144.8(a)(2)(vi) (See also 145.11(a)(4))	<i>All other.</i> Statistical information shall be reported quarterly on all other instances of noncompliance by major facilities with permit requirements not otherwise reported under paragraph (a) of this section.	Reserve.XXX.NMAC	(x) <i>All other.</i> Statistical information shall be reported quarterly on all other instances of noncompliance by major facilities with permit requirements not otherwise reported under paragraph (a) of this section.	Similar to CFR	
151	40 CFR 144.8(b)(1) (See also 145.11(a)(4))	<i>Annual reports</i> — (1) <i>Annual noncompliance report.</i> Statistical reports shall be submitted by the Director on nonmajor UIC permittees indicating the total number reviewed, the number of noncomplying nonmajor permittees, the number of enforcement actions, and number of permit modifications extending compliance deadlines. The statistical information shall be organized to follow the types of noncompliance listed in paragraph (a) of this section.	Reserve.XXX.NMAC	(x) <i>Annual reports</i> — (1) <i>Annual noncompliance report.</i> Statistical reports shall be submitted by the Director on nonmajor UIC permittees indicating the total number reviewed, the number of noncomplying nonmajor permittees, the number of enforcement actions, and number of permit modifications extending compliance deadlines. The statistical information shall be organized to follow the types of noncompliance listed in paragraph (a) of this section.	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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152	40 CFR 144.8(b)(2)(i) (See also 145.11(a)(4))	For State-administered UIC Programs only. In addition to the annual noncompliance report, the State Director shall: Submit each year a program report to the Administrator (in a manner and form prescribed by the Administrator) consisting of:	Reserve.XXX.NMAC	(x) In addition to the annual noncompliance report, the State Director shall: Submit each year a program report to the Administrator (in a manner and form prescribed by the Administrator) consisting of:	Text is identical	
153	40 CFR 144.8(b)(2)(i)(A) (See also 145.11(a)(4))	A detailed description of the State's implementation of its program;	Reserve.XXX.NMAC	(x) A detailed description of the State's implementation of its program;	Text is identical	
154	40 CFR 144.8(b)(2)(i)(B) (See also 145.11(a)(4))	Suggested changes, if any to the program description (see § 145.23(f)) which are necessary to reflect more accurately the State's progress in issuing permits;	Reserve.XXX.NMAC	(x) Suggested changes, if any to the program description (see § 145.23(f)) which are necessary to reflect more accurately the State's progress in issuing permits;	Similar to CFR	
155	40 CFR 144.8(b)(2)(i)(C) (See also 145.11(a)(4))	An updated inventory of active underground injection operations in the State.	Reserve.XXX.NMAC	(x) An updated inventory of active underground injection operations in the State.	Text is identical	
156	40 CFR 144.8(b)(2)(ii) (See also 145.11(a)(4))	In addition to complying with the requirements of paragraph (b)(2)(i) of this section, the Director shall provide the Administrator, on February 28th and	Reserve.XXX.NMAC	(x) In addition to complying with the requirements of paragraph (b)(2)(i) of this section, the Director shall provide the Administrator, on February 28th and August 31st of each of the	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		August 31st of each of the first two years of program operation, the information required in 40 CFR 146.13, 146.23, and 146.33.		first two years of program operation, the information required in 40 CFR 146.13, 146.23, and 146.33.		
157	40 CFR 144.8(b)(2)(iii) (See also 145.11(a)(4))	All Class VI program reports shall be consistent with reporting requirements set forth in §146.91 of this chapter.	Reserve.XXX.NMAC	(x) All Class VI program reports shall be consistent with reporting requirements set forth in § 20.6.2.5 L. NMAC of this chapter.	Similar to CFR	
158	40 CFR 144.8(c)(1) (See also 145.11(a)(4))	Schedule. (1) For all quarterly reports. On the last working day of May, August, November, and February, the State Director shall submit to the Regional Administrator information concerning noncompliance with permit requirements by major facilities in the State in accordance with the following schedule. The Regional Administrator shall prepare and submit information for EPA-issued permits to EPA Headquarters in accordance with the same schedule.	Reserve.XXX.NMAC	Schedule. (1) For all quarterly reports. On the last working day of May, August, November, and February, the State Director shall submit to the Regional Administrator information concerning noncompliance with permit requirements by major facilities in the State in accordance with the following schedule. The Regional Administrator shall prepare and submit information for EPA-issued permits to EPA Headquarters in accordance with the same schedule. Dates for completion of reports are as follows: January, February, and March: 1 May 31 April, May, and June: 1 Aug. 31, July, August, and September: 1 Nov. 30 October, November, and December: 1 Feb. 28, 1 Reports must be made	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		QUARTERS COVERED BY REPORTS ON NONCOMPLIANCE BY MAJOR FACILITIES [Date for completion of reports] January, February, and March: 1 May 31 April, May, and June: 1 Aug. 31 July, August, and September: 1 Nov. 30 October, November, and December: 1 Feb. 28 1 Reports must be made available to the public for inspection and copying on this date.		available to the public for inspection and copying on this date.		
159	40 CFR 144.8(c)(2) (See also 145.11(a)(4))	For all annual reports. The period for annual reports shall be for the calendar year ending December 31, with reports completed and available to the public no more than 60 days later.	Reserve.XXX.NMAC	(x) For all annual reports. The period for annual reports shall be for the calendar year ending December 31, with reports completed and available to the public no more than 60 days later.	Text is identical	
SUBPART B--GENERAL PROGRAM REQUIREMENTS						
40 CFR 144.11 Prohibition of unauthorized injection.						
160	40 CFR 144.11 (See also 145.11(a)(5))	Any underground injection, except into a	Reserve.XXX.NMAC	(x) Any underground injection, except into a well authorized by	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		well authorized by rule or except as authorized by permit issued under the UIC program, is prohibited. The construction of any well required to have a permit is prohibited until the permit has been issued.		rule or except as authorized by permit issued under the UIC program, is prohibited. The construction of any well required to have a permit is prohibited until the permit has been issued.		
40 CFR 144.12 Prohibition of movement of fluid into underground sources of drinking water.						
161	40 CFR 144.12(a) (See also 145.11(a)(6))	No owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR part 141 or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this	Reserve.XXX.NMAC	(x) No owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR part 141 or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this paragraph are met.	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		paragraph are met.				
162	40 CFR 144.12(b) (See also 145.11(a)(6))	For Class I, II, III, and VI wells, if any water quality monitoring of an underground source of drinking water indicates the movement of any contaminant into the underground source of drinking water, except as authorized under part 146, the Director shall prescribe such additional requirements for construction, corrective action, operation, monitoring, or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of wells authorized by permit, these additional requirements shall be imposed by modifying the permit in accordance with §144.39, or the permit may be terminated under §144.40 if cause exists, or appropriate enforcement action may be taken if the permit has been violated.	Reserve.XXX.NMAC	(x) For Class I, II, III, and VI wells, if any water quality monitoring of an underground source of drinking water indicates the movement of any contaminant into the underground source of drinking water, except as authorized under part 146, the Director shall prescribe such additional requirements for construction, corrective action, operation, monitoring, or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of wells authorized by permit, these additional requirements shall be imposed by modifying the permit in accordance with §144.39, or the permit may be terminated under §144.40 if cause exists, or appropriate enforcement action may be taken if the permit has been violated. In the case of wells authorized by rule, see §§ 144.21 through 144.24.	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		In the case of wells authorized by rule, see §§ 144.21 through 144.24.				
163	40 CFR 144.12(e) (See also 145.11(a)(6))	Notwithstanding any other provision of this section, the Director may take emergency action upon receipt of information that a contaminant which is present in or likely to enter a public water system or underground source of drinking water may present an imminent and substantial endangerment to the health of persons.	Reserve.XXX.NMAC	(x) Notwithstanding any other provision of this section, the Director may take emergency action upon receipt of information that a contaminant which is present in or likely to enter a public water system or underground source of drinking water may present an imminent and substantial endangerment to the health of persons.	Text is identical	
40 CFR 144.15 Prohibition of non-experimental Class V wells for geologic sequestration						
164	40 CFR 144.15	The construction, operation or maintenance of any non-experimental Class V geologic sequestration well is prohibited.	Reserve.XXX.NMAC	(x) The construction, operation or maintenance of any non-experimental Class V geologic sequestration well is prohibited.	Text is identical	
40 CFR 144.16 Waiver of requirement by Director						
	40 CFR 144.16	40 CFR 144.16 Waiver of requirement by Director	N/A	N/A	Not required for state programs	
40 CFR 144.18 Requirements for Class VI wells.						
165	40 CFR 144.18	Owners or operators of Class VI wells must obtain a permit. Class VI wells cannot be authorized by rule to inject carbon dioxide.	Reserve.XXX.NMAC	(x) Owners or operators of Class VI wells must obtain a permit. Class VI wells cannot be authorized by rule to inject carbon dioxide.	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
40 CFR 144.19 Transitioning from Class II to Class VI.						
166	40 CFR 144.19(a)	Owners or operators that are injecting carbon dioxide for the primary purpose of long- term storage into an oil and gas reservoir must apply for and obtain a Class VI geologic sequestration permit when there is an increased risk to USDWs compared to Class II operations. In determining if there is an increased risk to USDWs, the owner or operator must consider the factors specified in §144.19(b).	Reserve.XXX.NMAC	(x) Owners or operators that are injecting carbon dioxide for the primary purpose of long- term storage into an oil and gas reservoir must apply for and obtain a Class VI geologic sequestration permit when there is an increased risk to USDWs compared to Class II operations. In determining if there is an increased risk to USDWs, the owner or operator must consider the factors specified within this section.	Similar to CFR	
167	40 CFR 144.19(b)	The Director shall determine when there is an increased risk to USDWs compared to Class II operations and a Class VI permit is required. In order to make this determination the Director must consider the following:	Reserve.XXX.NMAC	(x) The Director shall determine when there is an increased risk to USDWs compared to Class II operations and a Class VI permit is required. In order to make this determination the Director must consider the following:	Text is identical	
168	40 CFR 144.19(b)(1)	Increase in reservoir pressure within the injection zone(s);	Reserve.XXX.NMAC	(x) Increase in reservoir pressure within the injection zone(s);	Text is identical	
169	40 CFR 144.19(b)(2)	Increase in carbon dioxide injection rates;	Reserve.XXX.NMAC	(x) Increase in carbon dioxide injection rates;	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
170	40 CFR 144.19(b)(3)	Decrease in reservoir production rates;	Reserve.XXX.NMAC	(x) Decrease in reservoir production rates;	Text is identical	
171	40 CFR 144.19(b)(4)	Distance between the injection zone(s) and USDWs;	Reserve.XXX.NMAC	(x) Distance between the injection zone(s) and USDWs;	Text is identical	
172	40 CFR 144.19(b)(5)	Suitability of the Class II area of review delineation;	Reserve.XXX.NMAC	(x) Suitability of the Class II area of review delineation;	Text is identical	
173	40 CFR 144.19(b)(6)	Quality of abandoned well plugs within the area of review;	Reserve.XXX.NMAC	(x) Quality of abandoned well plugs within the area of review;	Text is identical	
174	40 CFR 144.19(b)(7)	The owner's or operator's plan for recovery of carbon dioxide at the cessation of injection;	Reserve.XXX.NMAC	(x) The owner's or operator's plan for recovery of carbon dioxide at the cessation of injection;	Text is identical	
175	40 CFR 144.19(b)(8)	The source and properties of injected carbon dioxide; and	Reserve.XXX.NMAC	(x) The source and properties of injected carbon dioxide; and	Text is identical	
176	40 CFR 144.19(b)(9)	Any additional site-specific factors as determined by the Director.	Reserve.XXX.NMAC	(x) Any additional site-specific factors as determined by the Director.	Text is identical	
SUBPART C—AUTHORIZATION OF UNDERGROUND INJECTION BY RULE						
40 CFR 144.22 Existing Class II enhanced recovery and hydrocarbon storage wells.						
177	40 CFR 144.22(b) (See also 145.11(a)(9))	<i>Duration of well authorization by rule.</i> Well authorization under this section expires upon the effective date of a permit issued pursuant to § 144.19, § 144.25, § 144.31, § 144.33 or § 144.34; after plugging and abandonment in accordance with an approved plugging and abandonment plan pursuant to §§ 144.28(c) and 146.10 of this chapter; and upon	Reserve.XXX.NMAC	(x) Injection of carbon dioxide through Class VI wells shall not be authorized by rule. A permit must be secured by the owner or operator prior to conducting injection operations under this well classification. For any existing Class II enhanced recovery or hydrocarbon storage well that is authorized by rule, such authorization shall terminate	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		submission of a plugging and abandonment report pursuant to § 144.28(k); or upon conversion in compliance with § 144.28(j).		upon the effective date of a Class VI permit issued in accordance with § 144.19 upon approved plugging and abandonment of the well, or at the time the well is converted to another use.		
SUBPART D—AUTHORIZATION BY PERMIT						
40 CFR 144.31 Application for a permit; authorization by permit.						
178	40 CFR 144.31(a) (See also 145.11(a)(10))	Permit application. Unless an underground injection well is authorized by rule under subpart C of this part, all injection activities including construction of an injection well are prohibited until the owner or operator is authorized by permit. An owner or operator of a well currently authorized by rule must apply for a permit under this section unless well authorization by rule was for the life of the well or project. Authorization by rule for a well or project for which a permit application has been submitted terminates for the well or project upon the effective date of the permit. Procedures for	Reserve.XXX.NMAC	(x) No person shall conduct any underground injection activity unless authorized by a permit issued pursuant to these regulations. Effective on the date these regulations become enforceable, the construction or operation of any well for which a permit is required under this Part is strictly prohibited unless and until such permit has been duly issued by the Director.	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		applications, issuance and administration of emergency permits are found exclusively in § 144.34. A RCRA permit applying the standards of part 264, subpart C of this chapter will constitute a UIC permit for hazardous waste injection wells for which the technical standards in part 146 of this chapter are not generally appropriate.				
179	40 CFR 144.31(b) (See also 145.11(a)(10))	Who applies? When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.	Reserve.XXX.NMAC	(x) <i>Who applies?</i> When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.	Text is identical	
180	40 CFR 144.31(c) (See also 145.11(a)(10))	Time to apply. Any person who performs or proposes an underground injection for which a permit is or will be required shall submit an application to the Director in accordance with the UIC program as follows:	Reserve.XXX.NMAC	(x) <i>Time to apply.</i> Any person who performs or proposes an underground injection for which a permit is or will be required shall submit an application to the Director in accordance with the UIC program as follows:	Text is identical	
181	40 CFR 144.31(c)(2) (See also 145.11(a)(10))	For new injection wells, except new wells in	Reserve.XXX.NMAC	(x) For new injection wells, except new wells in projects	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		projects authorized under § 144.21(d) or authorized by an existing area permit under § 144.33(c), a reasonable time before construction is expected to begin.		authorized under § 144.21(d) or authorized by an existing area permit under § 144.33(c), a reasonable time before construction is expected to begin.		
182	40 CFR 144.31(d) (See also 145.11(a)(10))	Completeness. The Director shall not issue a permit before receiving a complete application for a permit except for emergency permits. An application for a permit is complete when the Director receives an application form and any supplemental information which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.	Reserve.XXX.NMAC	(x) <i>Completeness.</i> The Director shall not issue a permit before receiving a complete application for a permit. An application for a permit is complete when the Director receives an application form and any supplemental information which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.	Text is identical	
183	40 CFR 144.31(e) (See also 145.11(a)(10))	Information requirements. All	Reserve.XXX.NMAC	(x) Information requirements. All applicants for Class IV permits	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		applicants for Class I, II, III, and V permits shall provide the following information to the Director, using the application form provided by the Director. <u>Applicants for Class VI permits shall follow the criteria provided in §146.82 of this chapter.</u>		shall provide the following information to the Director, using the application form provided by the Director.		
184	40 CFR 144.31(e)(1) (See also 145.11(a)(10))	The activities conducted by the applicant which require it to obtain permits under RCRA, UIC, the National Pollution Discharge Elimination system (NPDES) program under the Clean Water Act, or the Prevention of Significant Deterioration (PSD) program under the Clean Air Act.	Reserve.XXX.NMAC	The activities conducted by the applicant which require it to obtain permits under RCRA, UIC, the National Pollution Discharge Elimination system (NPDES) program under the Clean Water Act, or the Prevention of Significant Deterioration (PSD) program under the Clean Air Act.	Text is identical	
185	40 CFR 144.31(e)(2) (See also 145.11(a)(10))	Name, mailing address, and location of the facility for which the application is submitted.	Reserve.XXX.NMAC	(x) Name, mailing address, and location of the facility for which the application is submitted.	Text is identical	
186	40 CFR 144.31(e)(3) (See also 145.11(a)(10))	Up to four SIC codes which best reflect the principal products or	Reserve.XXX.NMAC	(x) Up to four SIC codes which best reflect the principal products or services provided by the	Text is identical	

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		services provided by the facility.		facility.		
187	40 CFR 144.31(e)(4) (See also 145.11(a)(10))	The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.	Reserve.XXX.NMAC	(x) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.	Text is identical	
188	40 CFR 144.31(e)(5) (See also 145.11(a)(10))	Whether the facility is located on Indian lands.	Reserve.XXX.NMAC	(x) Whether the facility is located on Indian lands.	Text is identical	
189	40 CFR 144.31(e)(6) (See also 145.11(a)(10))	A listing of all permits or construction approvals received or applied for under any of the following programs:	Reserve.XXX.NMAC	(x) A listing of all permits or construction approvals received or applied for under any of the following programs:	Text is identical	
190	40 CFR 144.31(e)(6)(i) (See also 145.11(a)(10))	Hazardous Waste Management program under RCRA.	Reserve.XXX.NMAC	(x) Hazardous Waste Management program under RCRA.	Text is identical	
191	40 CFR 144.31(e)(6)(ii) (See also 145.11(a)(10))	UIC program under SDWA.	Reserve.XXX.NMAC	(x) UIC program under SDWA.	Text is identical	
192	40 CFR 144.31(e)(6)(iii) (See also 145.11(a)(10))	NPDES program under CWA.	Reserve.XXX.NMAC	(x) NPDES program under CWA	Text is identical	
193	40 CFR 144.31(e)(6)(iv) (See also 145.11(a)(10))	Prevention of Significant Deterioration (PSD) program under the Clean Air Act.	Reserve.XXX.NMAC	(x) Prevention of Significant Deterioration (PSD) program under the Clean Air Act.	Text is identical	
194	40 CFR 144.31(e)(6)(v) (See also 145.11(a)(10))	Nonattainment program under the Clean Air Act.	Reserve.XXX.NMAC	(x) Nonattainment program under the Clean Air Act.	Text is identical	

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195	40 CFR 144.31(e)(6)(vi) (See also 145.11(a)(10))	National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.	Reserve.XXX.NMAC	(x) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.	Text is identical	
196	40 CFR 144.31(e)(6)(vii) (See also 145.11(a)(10))	Ocean dumping permits under the Marine Protection Research and Sanctuaries Act.	Reserve.XXX.NMAC	(x) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act.	Text is identical	
197	40 CFR 144.31(e)(6)(viii) (See also 145.11(a)(10))	Dredge and fill permits under section 404 of CWA.	Reserve.XXX.NMAC	(x) Dredge and fill permits under section 404 of CWA.	Text is identical	
198	40 CFR 144.31(e)(6)(ix) (See also 145.11(a)(10))	Other relevant environmental permits, including State permits.	Reserve.XXX.NMAC	(x) Other relevant environmental permits, including State permits.	Text is identical	
199	40 CFR 144.31(e)(8) (See also 145.11(a)(10))	A brief description of the nature of the business.	Reserve.XXX.NMAC	(x) A brief description of the nature of the business.	Text is identical	
200	40 CFR 144.31(e)(9) (See also 145.11(a)(10))	For EPA-administered programs, the applicant shall identify and submit on a list with the permit application the names and addresses of all owners of record of land within one-quarter mile of the facility boundary. This requirement may be waived by the Regional Administrator where the site is located in a populous area and the	Reserve.XXX.NMAC	(x) The names and addresses of all property owners within the area of review and one quarter mile of the Class VI well or project.	Similar to CFR	

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		Regional Administrator determines that the requirement would be impracticable.				
40 CFR 144.32 Signatories to permit applications and reports						
201	40 CFR 144.32(a) (See also 145.11(a)(11))	Applications. All permit applications, except those submitted for Class II wells (see paragraph (b) of this section), shall be signed as follows:	Reserve.XXX.NMAC	(x) <i>Applications.</i> All permit applications shall be signed as follows:	Similar to CFR	
202	40 CFR 144.32(a)(1) (See also 145.11(a)(11))	For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means;	Reserve.XXX.NMAC	(x) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means;	Text is identical	
203	40 CFR 144.32(a)(1)(i) (See also 145.11(a)(11))	A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or	Reserve.XXX.NMAC	(x) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or	Text is identical	
204	40 CFR 144.32(a)(1)(ii) (See also 145.11(a)(11))	the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding	Reserve.XXX.NMAC	(x) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority	Similar to CFR	

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		\$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. NOTE: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in § 144.32(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under § 144.32(a)(1)(ii) rather than to specific individuals.		to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.		
205	40 CFR 144.32(a)(2) (See also 145.11(a)(11))	For a partnership or sole proprietorship: by a general	Reserve.XXX.NMAC	(x) For a partnership or sole proprietorship: by a general	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		partner or the proprietor, respectively; or		partner or the proprietor, respectively; or		
206	40 CFR 144.32(a)(3) (See also 145.11(a)(11))	For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:	Reserve.XXX.NMAC	(x) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.	Text is identical	
207	40 CFR 144.32(a)(3)(i) (See also 145.11(a)(11))	The chief executive officer of the agency, or	Reserve.XXX.NMAC	(x) The chief executive officer of the agency, or	Text is identical	
208	40 CFR 144.32(a)(3)(ii) (See also 145.11(a)(11))	a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).	Reserve.XXX.NMAC	(x) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the Division.	Similar to CFR	
209	40 CFR 144.32(c) (See also 145.11(a)(11))	<i>Changes to authorization.</i> If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying	Reserve.XXX.NMAC	(x) <i>Changes to authorization.</i> If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together	Text is identical	

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		the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.		with any reports, information, or applications to be signed by an authorized representative.		
210	40 CFR 144.32(d) (See also 145.11(a)(11))	<i>Certification.</i> Any person signing a document under paragraph (a) or (b) of this section shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the	Reserve.XXX.NMAC	(x) <i>Certification.</i> Any person signing a document under paragraph (a) or (b) of this section shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.		possibility of fine and imprisonment for knowing violations.		
40 CFR 144.33 Area permits.						
211	40 CFR 144.33(a) (See also 145.11(a)(12))	The Director may issue a permit on an area basis, rather than for each well individually, provided that the permit is for injection wells:	Reserve.XXX.NMAC	(x) The Director may issue a permit on an area basis, rather than for each well individually, provided that the permit is for injection wells:	Text is identical	
40 CFR 144.35 Effect of a permit.						
212	40 CFR 144.35(a) (See also 145.11(a)(14))	Except for Class II and III wells, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Part C of the SDWA. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in §§ 144.39 and 144.40.	Reserve.XXX.NMAC	(x) Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Part C of the SDWA. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in §§ 144.39 and 144.40.	Similar to CFR	

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213	40 CFR 144.35(b) (See also 145.11(a)(14))	The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.	Reserve.XXX.NMAC	(x) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.	Text is identical	
214	40 CFR 144.35(c) (See also 145.11(a)(14))	The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.	Reserve.XXX.NMAC	(x) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.	Text is identical	
40 CFR 144.36 Duration of permits.						
215	40 CFR 144.36(a) (See also 145.11(a)(15))	Permits for Class I and V wells shall be effective for a fixed term not to exceed 10 years. UIC permits for Class II and III wells shall be issued for a period up to the operating life of the facility. UIC permits for Class VI wells shall be issued for the operating life of the facility and the post-injection site care period. The Director shall review each issued Class II, III, and VI well UIC permit at least once every 5 years to determine whether it should be modified,	Reserve.XXX.NMAC	(x) Permits for Class VI UIC wells shall remain in effect for the duration of the facility's operational life and the post injection site care period. The commissioner shall conduct a permit review no less frequently than once every five years to assess whether the permit requires modification, revocation and reissuance, termination, or the incorporation of minor modifications, consistent with applicable permitting standards and procedures.	Similar to CFR	

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Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		revoked and reissued, terminated or a minor modification made as provided in §§144.39, 144.40, or 144.41.				
216	40 CFR 144.36(b) (See also 145.11(a)(15))	Except as provided in § 144.37, the term of a permit shall not be extended by modification beyond the maximum duration specified in this section.	Reserve.XXX.NMAC	(x) the term of a permit shall not be extended by modification beyond the maximum duration specified in (line 1 of 144.37.)	Similar to CFR	
217	40 CFR 144.36(c) (See also 145.11(a)(15))	The Director may issue any permit for a duration that is less than the full allowable term under this section.	Reserve.XXX.NMAC	(x) The Director may issue any permit for a duration that is less than the full allowable term under this section.	Text is identical	
40 CFR 144.37 Continuation of expiring permits.						
218	40 CFR 144.37 (a)(1)	<p><i>EPA permits.</i> When EPA is the permit-issuing authority, the conditions of an expired permit continue in force under 5 U.S.C. 558(c) until the effective date of a new permit if:</p> <p>(1) The permittee has submitted a timely application which is a complete application for a new permit; and</p>	Reserve.XXX.NMAC	(x) <i>Continuation of Permits</i> The conditions of an expired permit may continue in force until the effective date of a new permit if the permittee has submitted a timely and a complete application for a new permit or, if the Director, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource	Similar to CFR	

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				constraints).		
	40 CFR 144.37 (a)(2)	The Regional Administrator, through no fault of the permittee does not issue a new permit with an effective date on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).	N/A	please see above		
219	40 CFR 144.37 (b)	<i>Effect.</i> Permits continued under this section remain fully effective and enforceable.	Reserve.XXX.NMAC	(x) <i>Effect.</i> Permits continued under this section remain fully effective and enforceable.	Text is identical	
220	40 CFR 144.37 (c)(1)	<i>Enforcement.</i> When the permittee is not in compliance with the conditions of the expiring or expired permit the Regional Administrator may choose to do any or all of the following: (1) Initiate enforcement action based upon the permit which has been continued;	Reserve.XXX.NMAC	(x) <i>Enforcement.</i> When the permittee is not in compliance with the conditions of the expiring or expired permit the Regional Director may choose to do any or all of the following: (1) Initiate enforcement action based upon the permit which has been continued;	Text is identical	
221	40 CFR 144.37 (c)(2)	Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease	Reserve.XXX.NMAC	(x) Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the	Text is identical	

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		the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;		continued permit or be subject to enforcement action for operating without a permit;		
222	40 CFR 144.37 (c)(3)	Issue a new permit under part 124 with appropriate conditions; or	Reserve.XXX.NMAC	(x) Issue a new permit under part 124 with appropriate conditions; or	Similar to CFR	
223	40 CFR 144.37 (c)(4)	Take other actions authorized by these regulations.	Reserve.XXX.NMAC	(x) Take other actions authorized by these regulations.	Text is identical	
	40 CFR 144.37 (d)	<i>State continuation.</i> An EPA issued permit does not continue in force beyond its time expiration date under Federal law if at that time a State is the permitting authority. A State authorized to administer the UIC program may continue either EPA or State-issued permits until the effective date of the new permits, if State law allows. Otherwise, the facility or activity is operating without a permit from the time of expiration of the old permit to the effective date of the State-issued	N/A	N/A	Not required for state programs	

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		new permit.				
40 CFR 144.38 Transfer of permits.						
224	40 CFR 144.38(a) (See also 145.11(a)(16))	Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under § 144.39(b)(2)), or a minor modification made (under § 144.41(d)), to identify the new permittee and incorporate such other requirements as may be necessary under the Safe Drinking Water Act.	Reserve.XXX.NMAC	(x) Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under § 144.39(b)(2)), or a minor modification made (under § 144.41(d)), to identify the new permittee and incorporate such other requirements as may be necessary under the Safe Drinking Water Act.	Similar to CFR	
225	40 CFR 144.38(b) (See also 145.11(a)(16))	Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any UIC permit for a well not injecting hazardous waste or injecting carbon dioxide for geologic sequestration may be automatically transferred to a new permittee if:	Reserve.XXX.NMAC	(x) Automatic transfers of permits shall be prohibited unless approved by the Director.	More stringent	
40 CFR 144.39 Modification or revocation and <i>reissuance</i> of permits.						
226	40 CFR 144.39	When the Director receives	Reserve.XXX.NMAC	(x) When the Director receives	Similar to CFR	

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	(See also 145.11(a)(17))	any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see § 144.51 of this chapter), receives a request for modification or revocation and reissuance under § 124.5, or conducts a review of the permit file) he or she may determine whether or not one or more of the causes listed in paragraphs (a) and (b) of this section for modification or revocation and reissuance or both exist. If cause exists, the Director may modify or revoke and reissue the permit accordingly, subject to the limitations of paragraph (c) of this section, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit		any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see § 144.51 of this chapter), receives a request for modification or revocation and reissuance under § 124.5, or conducts a review of the permit file) he or she may determine whether or not one or more of the causes listed in paragraphs (a) and (b) of this section for modification or revocation and reissuance or both exist. If cause exists, the Director may modify or revoke and reissue the permit accordingly, subject to the limitations of paragraph (c) of this section, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. See § 124.5(c)(2) of this chapter. If cause does not exist under this section or § 144.41 of this chapter, the Director shall not modify or revoke and reissue the permit. If a		

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		is reopened and subject to revision and the permit is reissued for a new term. See § 124.5(c)(2) of this chapter. If cause does not exist under this section or § 144.41 of this chapter, the Director shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in § 144.41 for “minor modifications” the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in part 124 must be followed.		permit modification satisfies the criteria in § 144.41 for “minor modifications” the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in part 124 must be followed.		
227	40 CFR 144.39(a) (See also 145.11(a)(17))	Causes for modification. The following are causes for modification. For Class I hazardous waste injection wells, Class II, Class III or Class VI wells the following may be causes for revocation and reissuance as well as modification; and for all other wells the following may be cause for	Reserve.XXX.NMAC	(x) <i>Causes for Modification.</i> The following are causes for modification and may be causes for revocation and reissuance of permits:	Similar to CFR	

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		revocation or reissuance as well as modification when the permittee requests or agrees.				
228	40 CFR 144.39(a)(1) (See also 145.11(a)(17))	<i>Alterations.</i> There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.	Reserve.XXX.NMAC	(x) <i>Alterations.</i> There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.	Text is identical	
229	40 CFR 144.39(a)(2) (See also 145.11(a)(17))	<i>Information.</i> The Director has received information. Permits other than for Class II and III wells may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance. For UIC area permits (§ 144.33), this cause shall include any	Reserve.XXX.NMAC	(x) <i>Information.</i> The Director has received information. Permits other than for Class II and III wells may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance. For UIC area permits (§ 144.33), this cause shall include any information indicating that cumulative effects on the environment are unacceptable.	Similar to CFR	

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		information indicating that cumulative effects on the environment are unacceptable.				
230	40 CFR 144.39(a)(3) (See also 145.11(a)(17))	<i>New regulations.</i> The standards or regulations on which the permit was based have been changed by promulgation of new or amended standards or regulations or by judicial decision after the permit was issued. Permits other than for Class I hazardous waste injection wells, Class II, Class III or Class VI wells may be modified during their permit terms for this cause only as follows:	Reserve.XXX.NMAC	(x) <i>New regulations.</i> The standards or regulations on which the permit was based have been changed by promulgation of new or amended standards or regulations or by judicial decision after the permit was issued. Permits for Class VI wells may be modified during their terms only as follows:	Similar to CFR	
231	40 CFR 144.39(a)(3)(i)(A) (See also 145.11(a)(17))	For promulgation of amended standards or regulations, when: (A) The permit condition requested to be modified was based on a promulgated part 146 regulation; and	Reserve.XXX.NMAC	(x) the permit condition requested to be modified was based on a promulgated regulation or guideline;	Similar to CFR	
232	40 CFR 144.39(a)(3)(i)(B) (See also 145.11(a)(17))	EPA has revised, withdrawn, or modified that portion of the	Reserve.XXX.NMAC	(x) there has been a revision, withdrawal, or modification that portion of the rule or regulation on	Similar to CFR	

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		regulation on which the permit condition was based, and		which the permit condition was based, and		
233	40 CFR 144.39(a)(3)(i)(C) (See also 145.11(a)(17))	A permittee requests modification in accordance with § 124.5 within ninety (90) days after Federal Register notice of the action on which the request is based.	Reserve.XXX.NMAC	(x) a permittee requests modification within 90 days after New Mexico Register notice of the action on which the request is based.	Similar to CFR	
234	40 CFR 144.39(a)(3)(ii) (See also 145.11(a)(17))	For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations if the remand and stay concern that portion of the regulations on which the permit condition was based and a request is filed by the permittee in accordance with § 124.5 within ninety (90) days of judicial remand.	Reserve.XXX.NMAC	(x) For judicial decisions, a court of competent jurisdiction has remanded and stayed Oil Conservation Division regulations if the remand and stay concern that portion of the regulations on which the permit condition was based and a request is filed by the permittee in accordance with § 124.5 within ninety (90) days of judicial remand.	Similar to CFR	
235	40 CFR 144.39(a)(4) (See also 145.11(a)(17))	<i>Compliance schedules.</i> The Director determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and	Reserve.XXX.NMAC	(x) <i>Compliance schedules.</i> The Director determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy.	Text is identical	

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		for which there is no reasonably available remedy. See also § 144.41(c) (minor modifications).				
236	40 CFR 144.39(a)(5) (See also 145.11(a)(17))	<i>Basis for modification of Class VI permits.</i> Additionally, for Class VI wells, whenever the Director determines that permit changes are necessary based on:	Reserve.XXX.NMAC	(x) <i>Basis for modification of Class VI permits.</i> Additionally, for Class VI wells, whenever the Director determines that permit changes are necessary based on:	Text is identical	
237	40 CFR 144.39(a)(5)(i) (See also 145.11(a)(17))	Area of review reevaluations under §146.84(e)(1) of this chapter;	Reserve.XXX.NMAC	(x) Area of review reevaluations under §146.84(e)(1) of this chapter;	Similar to CFR	
238	40 CFR 144.39(a)(5)(ii) (See also 145.11(a)(17))	Any amendments to the testing and monitoring plan under §146.90(j) of this chapter;	Reserve.XXX.NMAC	(x) Any amendments to the testing and monitoring plan under §146.90(j) of this chapter;	Similar to CFR	
239	40 CFR 144.39(a)(5)(iii) (See also 145.11(a)(17))	Any amendments to the injection well plugging plan under §146.92(c) of this chapter;	Reserve.XXX.NMAC	(x) Any amendments to the injection well plugging plan under §146.92(c) of this chapter;	Similar to CFR	
240	40 CFR 144.39(a)(5)(iv) (See also 145.11(a)(17))	Any amendments to the post-injection site care and site closure plan under §146.93(a)(3) of this chapter;	Reserve.XXX.NMAC	(x) Any amendments to the post-injection site care and site closure plan under §146.93(a)(3) of this chapter;	Similar to CFR	
241	40 CFR 144.39(a)(5)(v) (See also 145.11(a)(17))	Any amendments to the emergency and remedial response plan under	Reserve.XXX.NMAC	(x) Any amendments to the emergency and remedial response plan under §146.94(d) of this	Similar to CFR	

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		§146.94(d) of this chapter; or		chapter; or		
242	40 CFR 144.39(a)(5)(vi) (See also 145.11(a)(17))	A review of monitoring and/or testing results conducted in accordance with permit requirements.	Reserve.XXX.NMAC	(x) A review of monitoring and testing results conducted in accordance with permit requirements.	Text is identical	
243	40 CFR 144.39(b) (See also 145.11(a)(17))	Causes for modification or revocation and reissuance. The following are causes to modify or, alternatively, revoke and reissue a permit:	Reserve.XXX.NMAC	(x) Causes for modification or revocation and reissuance. The following are causes to modify or, alternatively, revoke and reissue a permit:	Text is identical	
244	40 CFR 144.39(b)(1) (See also 145.11(a)(17))	Cause exists for termination under § 144.40, and the Director determines that modification or revocation and reissuance is appropriate.	Reserve.XXX.NMAC	(x) Cause exists for termination under § 144.40, and the Director determines that modification or revocation and reissuance is appropriate.	Similar to CFR	
245	40 CFR 144.39(b)(2) (See also 145.11(a)(17))	The Director has received notification (as required in the permit, see § 144.41(d)) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (§ 144.38(b)) but will not be revoked and reissued after the effective date of the transfer except upon the request of the	Reserve.XXX.NMAC	(x) The Director has received notification of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (§ 144.38(b)) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.	Similar to CFR	

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		new permittee.				
246	40 CFR 144.39(b)(3) (See also 145.11(a)(17))	A determination that the waste being injected is a hazardous waste as defined in § 2361.3 either because the definition has been revised, or because a previous determination has been changed.	Reserve.XXX.NMAC	(x) A determination that the waste being injected is a hazardous waste as defined in § 2361.3 either because the definition has been revised, or because a previous determination has been changed.	Similar to CFR	
247	40 CFR 144.39(c) (See also 145.11(a)(17))	Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.	Reserve.XXX.NMAC	(x) <i>Facility siting.</i> Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.	Text is identical	
40 CFR 144.40 Termination of permits.						
248	40 CFR 144.40(a) (See also 145.11(a)(18))	The Director may terminate a permit during its term, or deny a permit renewal application for the following causes:	Reserve.XXX.NMAC	(x) The Director may terminate a permit during its term, or deny a permit renewal application for the following causes:	Text is identical	
249	40 CFR 144.40(a)(1) (See also 145.11(a)(18))	Noncompliance by the permittee with any condition of the permit;	Reserve.XXX.NMAC	(x) Noncompliance by the permittee with any condition of the permit;	Text is identical	
250	40 CFR 144.40(a)(2) (See also 145.11(a)(18))	The permittee's failure in the application or during	Reserve.XXX.NMAC	(x) The permittee's failure in the application or during the permit	Text is identical	

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		the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or		issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or		
251	40 CFR 144.40(a)(3) (See also 145.11(a)(18))	A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;	Reserve.XXX.NMAC	(x) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;	Text is identical	
252	40 CFR 144.40(b) (See also 145.11(a)(18))	The Director shall follow the applicable procedures in part 124 in terminating any permit under this section.	Reserve.XXX.NMAC	(x) The Director shall follow the applicable procedures in part 124 in terminating any permit under this section.	Similar to CFR	
40 CFR 144.41 Minor modifications of permits.						
253	40 CFR 144.41	Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of part 124. Any permit modification not processed as a minor	Reserve.XXX.NMAC	(x) Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of part 124. Any permit modification not processed as a minor modification under this section must be made for cause and with part 124 draft	Similar to CFR	

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		modification under this section must be made for cause and with part 124 draft permit and public notice as required in §144.39. Minor modifications may only:		permit and public notice as required in §144.39. Minor modifications may only:		
254	40 CFR 144.41(a)	Correct typographical errors;	Reserve.XXX.NMAC	(x) Correct typographical errors;	Text is identical	
255	40 CFR 144.41(b)	Require more frequent monitoring or reporting by the permittee;	Reserve.XXX.NMAC	(x) Require more frequent monitoring or reporting by the permittee;	Text is identical	
256	40 CFR 144.41(c)	Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or	Reserve.XXX.NMAC	(x) Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or	Text is identical	
257	40 CFR 144.41(d)	Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of	Reserve.XXX.NMAC	(x) Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director.		current and new permittees has been submitted to the Director.		
258	40 CFR 144.41(e)	Change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the Director, would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification.	Reserve.XXX.NMAC	(x) Change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the Director, would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification.	Text is identical	
259	40 CFR 144.41(f)	Change construction requirements approved by the Director pursuant to § 144.52(a)(1) (establishing UIC permit conditions), provided that any such alteration shall comply with the requirements of this part and part 146.	Reserve.XXX.NMAC	(x) Change construction requirements approved by the Director pursuant to § 144.52(a)(1) (establishing UIC permit conditions), provided that any such alteration shall comply with the requirements of this part and part 146.	Similar to CFR	
260	40 CFR 144.41(h)	Amend a Class VI injection well testing and monitoring plan, plugging plan, post-injection site care and site closure plan,	Reserve.XXX.NMAC	(x) Amend a Class VI injection well testing and monitoring plan, plugging plan, post-injection site care and site closure plan, or emergency and remedial response	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		or emergency and remedial response plan where the modifications merely clarify or correct the plan, as determined by the Director.		plan where the modifications merely clarify or correct the plan, as determined by the Director.		
Subpart E - Permit Conditions						
261	40 CFR 144.51 (See also 145.11(a)(19))40 CFR 144.51 Conditions applicable to all permits.	The following conditions apply to all UIC permits. All conditions applicable to all permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved State regulations) must be given in the permit.	Reserve.XXX.NMAC	(x) The following conditions apply to all UIC permits. All conditions applicable to all permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved State regulations) must be given in the permit.	Text is identical	
262	40 CFR 144.51(a) (See also 145.11(a)(19))	Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial	Reserve.XXX.NMAC	(x) <i>Duty to comply.</i> The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application;	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		of a permit renewal application; except that the permittee need not comply with the provisions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit under §144.34.				
263	40 CFR 144.51(b) (See also 145.11(a)(19))	Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.	Reserve.XXX.NMAC	(x) <i>Duty to reapply.</i> If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.	Text is identical	
264	40 CFR 144.51(c) (See also 145.11(a)(19))	Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.	Reserve.XXX.NMAC	(x) <i>Duty to halt or reduce activity.</i> It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.	Similar to CFR	
265	40 CFR 144.51(d) (See also 145.11(a)(19))	Duty to mitigate. The permittee shall take all reasonable steps to minimize or correct any	Reserve.XXX.NMAC	(x) <i>Duty to mitigate.</i> The permittee shall take all reasonable steps to minimize or correct any adverse impact on the	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		adverse impact on the environment resulting from noncompliance with this permit.		environment resulting from noncompliance with this permit.		
266	40 CFR 144.51(e) (See also 145.11(a)(19))	Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the	Reserve.XXX.NMAC	(x) <i>Proper operation and maintenance.</i> The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		conditions of the permit.				
267	40 CFR 144.51(f) (See also 145.11(a)(19))	Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.	Reserve.XXX.NMAC	(x) <i>Permit actions.</i> This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition	Text is identical	
268	40 CFR 144.51(g) (See also 145.11(a)(19))	Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.	Reserve.XXX.NMAC	(x) <i>Property rights.</i> This permit does not convey any property rights of any sort, or any exclusive privilege.	Text is identical	
269	40 CFR 144.51(h) (See also 145.11(a)(19))	Duty to provide information. The permittee shall furnish to the Director, within a time specified, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall	Reserve.XXX.NMAC	(x) <i>Duty to provide information.</i> The permittee shall furnish to the Director, within 30 days, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.	More stringent	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		also furnish to the Director, upon request, copies of records required to be kept by this permit.				
270	40 CFR 144.51(i) (See also 145.11(a)(19))	Inspection and entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:	Reserve.XXX.NMAC	(x) <i>Inspection and entry.</i> The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:	Text is identical	
271	40 CFR 144.51(i)(1) (See also 145.11(a)(19))	Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;	Reserve.XXX.NMAC	(x) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;	Text is identical	
272	40 CFR 144.51(i)(2) (See also 145.11(a)(19))	Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;	Reserve.XXX.NMAC	(x) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;	Text is identical	
273	40 CFR 144.51(i)(3) (See also 145.11(a)(19))	Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and	Reserve.XXX.NMAC	(x) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and	Text is identical	
274	40 CFR 144.51(i)(4) (See also	Sample or monitor at	Reserve.XXX.NMAC	(x) Sample or monitor at	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
	145.11(a)(19))	reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the SDWA, any substances or parameters at any location.		reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the SDWA, any substances or parameters at any location.		
275	40 CFR 144.51(j)(1) (See also 145.11(a)(19))	Monitoring and records. (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.	Reserve.XXX.NMAC	(x) <i>Monitoring and records.</i> (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.	Similar to CFR	
276	40 CFR 144.51(j)(2) (See also 145.11(a)(19))	The permittee shall retain records of all monitoring information, including the following:	Reserve.XXX.NMAC	(x) The permittee shall retain records of all monitoring information, including the following:	Text is identical	
277	40 CFR 144.51(j)(2)(i) (See also 145.11(a)(19))	Calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by	Reserve.XXX.NMAC	(x) Calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time; and	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		request of the Director at any time; and				
278	40 CFR 144.51(j)(2)(ii) (See also 145.11(a)(19))	The nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under §144.52(a)(6), or under part 146 subpart G as appropriate. The Director may require the owner or operator to deliver the records to the Director at the conclusion of the retention period.	Reserve.XXX.NMAC	(x) The nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under §144.52(a)(6), or under part 146 subpart G as appropriate. The Director may require the owner or operator to deliver the records to the Director at the conclusion of the retention period.	Similar to CFR	
279	40 CFR 144.51(j)(3) (See also 145.11(a)(19))	Records of monitoring information shall include:	Reserve.XXX.NMAC	(x) Records of monitoring information shall include:	Text is identical	
280	40 CFR 144.51(j)(3)(i) (See also 145.11(a)(19))	The date, exact place, and time of sampling or measurements;	Reserve.XXX.NMAC	(x) The date, exact place, and time of sampling or measurements;	Text is identical	
281	40 CFR 144.51(j)(3)(ii) (See also 145.11(a)(19))	The individual(s) who performed the sampling or measurements;	Reserve.XXX.NMAC	(x) The individual(s) who performed the sampling or measurements;	Text is identical	
282	40 CFR 144.51(j)(3)(iii) (See also 145.11(a)(19))	The date(s) analyses were performed;	Reserve.XXX.NMAC	(x) The date(s) analyses were performed;	Text is identical	
283	40 CFR 144.51(j)(3)(iv) (See also 145.11(a)(19))	The individual(s) who performed the analyses;	Reserve.XXX.NMAC	(x) The individual(s) who performed the analyses;	Text is identical	
284	40 CFR	The analytical techniques	Reserve.XXX.NMAC	(x) The analytical techniques or	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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	144.51(j)(3)(v) (See also 145.11(a)(19))	or methods used; and		methods used; and		
285	40 CFR 144.51(j)(3)(vi) (See also 145.11(a)(19))	The results of such analyses.	Reserve.XXX.NMAC	(x) The results of such analyses.	Text is identical	
286	40 CFR 144.51(j)(4) (See also 145.11(a)(19))	Owners or operators of Class VI wells shall retain records as specified in subpart H of part 146, including §§146.84(g), 146.91(f), 146.92(d), 146.93(f), and 146.93(h) of this chapter.	Reserve.XXX.NMAC	(x) Owners or operators of Class VI wells shall retain records as specified in subpart H of part 146, including §§146.84(g), 146.91(f), 146.92(d), 146.93(f), and 146.93(h) of this chapter.	Similar to CFR	
287	40 CFR 144.51(k) (See also 145.11(a)(19))	Signatory requirement. All applications, reports, or information submitted to the Administrator shall be signed and certified. (See §144.32.)	Reserve.XXX.NMAC	(x) <i>Signatory requirement.</i> All applications, reports, or information submitted to the Director shall be signed and certified. (See §144.32.)	Similar to CFR	
288	40 CFR 144.51(l)(1) (See also 145.11(a)(19))	Reporting requirements. (1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.	Reserve.XXX.NMAC	(x) <i>Reporting requirements.</i> (1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.	Similar to CFR	
289	40 CFR 144.51(l)(2) (See also 145.11(a)(19))	Anticipated noncompliance. The permittee shall give advance notice to the	Reserve.XXX.NMAC	(x) <i>Anticipated noncompliance.</i> The permittee shall give advance notice to the Director of any planned changes in the permitted	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.		facility or activity which may result in noncompliance with permit requirements.		
290	40 CFR 144.51(l)(3) (See also 145.11(a)(19))	Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Safe Drinking Water Act. (See §144.38; in some cases, modification or revocation and reissuance is mandatory.)	Reserve.XXX.NMAC	(x) <i>Transfers</i> . This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Safe Drinking Water Act. (See §144.38; in some cases, modification or revocation and reissuance is mandatory.)	Similar to CFR	
291	40 CFR 144.51(l)(4) (See also 145.11(a)(19))	Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.	Reserve.XXX.NMAC	(x) <i>Monitoring reports</i> . Monitoring results shall be reported at the intervals specified elsewhere in this permit.	Text is identical	
292	40 CFR 144.51(l)(5) (See also 145.11(a)(19))	Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on,	Reserve.XXX.NMAC	(x) <i>Compliance schedules</i> . Reports of compliance or noncompliance with, or any progress reports on, interim and	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 30 days following each schedule date.		final requirements contained in any compliance schedule of this permit shall be submitted no later than 30 days following each schedule date.		
293	40 CFR 144.51(l)(6) (See also 145.11(a)(19))	Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment, including:	Reserve.XXX.NMAC	(x) <i>Twenty-four hour reporting.</i> The permittee shall report any noncompliance which may endanger health or the environment, including:	Text is identical	
294	40 CFR 144.51(l)(6)(i) (See also 145.11(a)(19))	Any monitoring or other information which indicates that any contaminant may cause an endangerment to a USDW; or	Reserve.XXX.NMAC	(x) Any monitoring or other information which indicates that any contaminant may cause an endangerment to a USDW; or	Text is identical	
295	40 CFR 144.51(l)(6)(ii) (See also 145.11(a)(19))	Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDWs. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A	Reserve.XXX.NMAC	(x) Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDWs. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.		circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.		
296	40 CFR 144.51(l)(7) (See also 145.11(a)(19))	Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (l) (4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.	Reserve.XXX.NMAC	(x) <i>Other noncompliance.</i> The permittee shall report all instances of noncompliance not reported under paragraphs (l) (4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.	Similar to CFR	
297	40 CFR 144.51(l)(8) (See also 145.11(a)(19))	Other information. Where the permittee becomes	Reserve.XXX.NMAC	(x) <i>Other information.</i> Where the permittee becomes aware that it	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.		failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information		
298	40 CFR 144.51(m) (See also 145.11(a)(19))	Requirements prior to commencing injection. Except for all new wells authorized by an area permit under §144.33(c), a new injection well may not commence injection until construction is complete, and	Reserve.XXX.NMAC	(x) <i>Requirements prior to commencing injection.</i> Except for all new wells authorized by an area permit under §144.33(c), a new injection well may not commence injection until construction is complete, and	Similar to CFR	
299	40 CFR 144.51(m)(1) (See also 145.11(a)(19))	The permittee has submitted notice of completion of construction to the Director; and	Reserve.XXX.NMAC	(x) The permittee has submitted notice of completion of construction to the Director; and	Text is identical	
300	40 CFR 144.51(m)(2)(i) (See also 145.11(a)(19))	The Director has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit; or	Reserve.XXX.NMAC	(x) The Director has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit; or	Text is identical	
301	40 CFR 144.51(m)(2)(ii) (See also 145.11(a)(19))	The permittee has not received notice <i>from</i> the Director of his or her	Reserve.XXX.NMAC	(x) The permittee has not received notice <i>from</i> the Director of his or her intent to inspect or	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		intent to inspect or otherwise review the new injection well within 13 days of the date of the notice in paragraph (m)(1) of this section, in which case prior inspection or review is waived and the permittee may commence injection. The Director shall include in his notice a reasonable time period in which he shall inspect the well.		otherwise review the new injection well within 13 days of the date of the notice in paragraph (m)(1) of this section, in which case prior inspection or review is waived and the permittee may commence injection. The Director shall include in his notice a reasonable time period in which he shall inspect the well.		
302	40 CFR 144.51(n) (See also 145.11(a)(19))	The permittee shall notify the Director at such times as the permit requires before conversion or abandonment of the well or in the case of area permits before closure of the project.	Reserve.XXX.NMAC	(x) The permittee shall notify the Director at such times as the permit requires before conversion or abandonment of the well or in the case of area permits before closure of the project.	Text is identical	
303	40 CFR 144.51(o) (See also 145.11(a)(19))	A Class I, II or III permit shall include and a Class V permit may include conditions which meet the applicable requirements of §146.10 of this chapter to ensure that plugging and abandonment of the well will not allow the movement of fluids into or	Reserve.XXX.NMAC	(x) A Class VI permit shall include conditions which meet the requirements set forth in §146.92 of this chapter. Where the plan meets the requirements of §146.92 of this chapter, the Director shall incorporate it into the permit as a permit condition. For purposes of this paragraph, temporary or intermittent cessation of injection	Similar to CFR	

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		<p>between USDWs. Where the plan meets the requirements of §146.10 of this chapter, the Director shall incorporate the plan into the permit as a permit condition. Where the Director's review of an application indicates that the permittee's plan is inadequate, the Director may require the applicant to revise the plan, prescribe conditions meeting the requirements of this paragraph, or deny the permit.</p> <p>A Class VI permit shall include conditions which meet the requirements set forth in §146.92 of this chapter. Where the plan meets the requirements of §146.92 of this chapter, the Director shall incorporate it into the permit as a permit condition. For purposes of this paragraph, temporary or intermittent cessation of injection operations is</p>		<p>operations is not abandonment.</p>		

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		not abandonment.				
304	40 CFR 144.51(q)(1) (See also 145.11(a)(19))	<i>Duty to establish and maintain mechanical integrity.</i> The owner or operator of a Class I, II, III or VI well permitted under this part shall establish mechanical integrity prior to commencing injection or on a schedule determined by the Director. Thereafter the owner or operator of Class I, II, and III wells must maintain mechanical integrity as defined in §146.8 of this chapter and the owner or operator of Class VI wells must maintain mechanical integrity as defined in §146.89 of this chapter.	Reserve.XXX.NMAC	(x) <i>Duty to establish and maintain mechanical integrity.</i> The owner or operator of a Class VI well permitted under this part shall establish mechanical integrity prior to commencing injection or on a schedule determined by the Director. The owner or operator of Class VI wells must maintain mechanical integrity as defined in §146.89 of this chapter.	Similar to CFR	
305	40 CFR 144.51(q)(2) (See also 145.11(a)(19))	When the Director determines that a Class I, II, III or VI well lacks mechanical integrity pursuant to §§146.8 or 146.89 of this chapter for Class VI of this chapter, he/she shall give written notice of his/her determination to the owner	Reserve.XXX.NMAC	(x) When the Director determines that a Class VI well lacks mechanical integrity pursuant to §146.8 or 146.89 of this chapter for Class VI of this chapter, he/she shall give written notice of his/her determination to the owner or operator. Unless the Director requires immediate cessation, the owner or operator shall cease	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		or operator. Unless the Director requires immediate cessation, the owner or operator shall cease injection into the well within 48 hours of receipt of the Director's determination. The Director may allow plugging of the well pursuant to the requirements of §146.10 of this chapter or require the permittee to perform such additional construction, operation, monitoring, reporting and corrective action as is necessary to prevent the movement of fluid into or between USDWs caused by the lack of mechanical integrity. The owner or operator may resume injection upon written notification from the Director that the owner or operator has demonstrated mechanical integrity pursuant to §146.8 of this chapter.		injection into the well within 48 hours of receipt of the Director's determination. The Director may allow plugging of the well pursuant to the requirements of §146.10 of this chapter or require the permittee to perform such additional construction, operation, monitoring, reporting and corrective action as is necessary to prevent the movement of fluid into or between USDWs caused by the lack of mechanical integrity. The owner or operator may resume injection upon written notification from the Director that the owner or operator has demonstrated mechanical integrity pursuant to §146.8 of this chapter.		
306	40 CFR 144.51(q)(3) (See also	The Director may allow	Reserve.XXX.NMAC	(x) The Director may allow the	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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	145.11(a)(19))	the owner or operator of a well which lacks mechanical integrity pursuant to § 146.8(a)(1) of this chapter to continue or resume injection, if the owner or operator has made a satisfactory demonstration that there is no movement of fluid into or between USDWs.		owner or operator of a well which lacks mechanical integrity pursuant to § 146.8(a)(1) of this chapter to continue or resume injection, if the owner or operator has made a satisfactory demonstration that there is no movement of fluid into or between USDWs.		
40 CFR 144.52 Establishing permit conditions.						
307	40 CFR 144.52(a) (See also 145.11(a)(20))	(a) In addition to conditions required in § 144.51, the Director shall establish conditions, as required on a case-by-case basis under § 144.36 (duration of permits), § 144.53(a) (schedules of compliance), § 144.54 (monitoring), and for EPA permits only § 144.53(b) (alternate schedules of compliance), and § 144.4 (considerations under Federal law). Permits for owners or operators of hazardous waste injection wells	Reserve.XXX.NMAC	(x) (a) In addition to conditions required in § 144.51, the Director shall establish conditions, as required on a case-by-case basis under § 144.36 (duration of permits), § 144.53(a) (schedules of compliance), § 144.54 (monitoring), Permits for owners or operators of Class VI injection wells shall include conditions meeting the requirements of subpart H of part 146. Permits for other wells shall contain the following requirements, when applicable.	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		shall include conditions meeting the requirements of § 144.14 (requirements for wells injecting hazardous waste), paragraphs (a)(7) and (a)(9) of this section, and subpart G of part 146. Permits for owners or operators of Class VI injection wells shall include conditions meeting the requirements of subpart H of part 146. Permits for other wells shall contain the following requirements, when applicable.				
308	40 CFR 144.52(a)(1) (See also 145.11(a)(20))	Construction requirements as set forth in part 146. Existing wells shall achieve compliance with such requirements according to a compliance schedule established as a permit condition. The owner or operator of a proposed new injection well shall submit plans for testing, drilling, and construction as part of the permit application.	Reserve.XXX.NMAC	(x) <i>Construction requirements</i> as set forth in part 146 . Existing wells shall achieve compliance with such requirements according to a compliance schedule established as a permit condition. The owner or operator of a proposed new injection well shall submit plans for testing, drilling, and construction as part of the permit application. Except as authorized by an area permit, no construction may commence until	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		Except as authorized by an area permit, no <i>construction</i> may commence until a permit has been issued containing construction requirements (see §144.11). New wells shall be in compliance with these requirements prior to commencing injection operations. Changes in construction plans during construction may be approved by the Administrator as minor modifications (§144.41). No such changes may be physically incorporated into construction of the well prior to approval of the modification by the Director.		a permit has been issued containing construction requirements (see §144.11). New wells shall be in compliance with these requirements prior to commencing injection operations. Changes in construction plans during construction may be approved by the Administrator as minor modifications (§144.41). No such changes may be physically incorporated into construction of the well prior to approval of the modification by the Director.		
309	40 CFR 144.52(a)(2) (See also 145.11(a)(20))	Corrective action as set forth in §§144.55, 146.7, and 146.84 of this chapter.	Reserve.XXX.NMAC	(x) <i>Corrective action</i> as set forth in §§144.55, 146.7, and 146.84 of this chapter.	Similar to CFR	
310	40 CFR 144.52(a)(3) (See also 145.11(a)(20))	Operation requirements as set forth in 40 CFR part 146; the permit shall establish any maximum injection volumes and/or pressures necessary to assure that fractures are	Reserve.XXX.NMAC	(x) <i>Operation requirements</i> as set forth in 40 CFR part 146; the permit shall establish any maximum injection volumes and/or pressures necessary to assure that fractures are not initiated in the confining zone, that	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		not initiated in the confining zone, that injected fluids do not migrate into any underground source of drinking water, that formation fluids are not displaced into any underground source of drinking water, and to assure compliance with the part 146 operating requirements.		injected fluids do not migrate into any underground source of drinking water, that formation fluids are not displaced into any underground source of drinking water, and to assure compliance with the part 146 operating requirements.		
311	40 CFR 144.52(a)(5) (See also 145.11(a)(20))	Monitoring and reporting requirements as set forth in 40 CFR part 146. The permittee shall be required to identify types of tests and methods used to generate the monitoring data.	Reserve.XXX.NMAC	(x) Monitoring and reporting requirements as set forth in 40 CFR part 146. The permittee shall be required to identify types of tests and methods used to generate the monitoring data.	Similar to CFR	
312	40 CFR 144.52(a)(7)(i) (See also 145.11(a)(20))	Financial responsibility. (i) The permittee, including the transferor of a permit, is required to demonstrate and maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the Director	Reserve.XXX.NMAC	(x) Financial responsibility. (i) The permittee, including the transferor of a permit, is required to demonstrate and maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the Director until:	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		until:				
313	40 CFR 144.52(a)(7)(i)(A) (See also 145.11(a)(20))	The well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to §§144.51(o), 146.10, and 146.92 of this chapter, and submitted a plugging and abandonment report pursuant to §144.51(p); or	Reserve.XXX.NMAC	(x) The well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to §§144.51(o), 146.10, and 146.92 of this chapter, and submitted a plugging and abandonment report pursuant to §144.51(p); or	Similar to CFR	
314	40 CFR 144.52(a)(7)(i)(B) (See also 145.11(a)(20))	The well has been converted in compliance with the requirements of §144.51(n); or	Reserve.XXX.NMAC	(x) The well has been converted in compliance with the requirements of §144.51(n); or	Similar to CFR	
315	40 CFR 144.52(a)(7)(i)(C) (See also 145.11(a)(20))	The transferor of a permit has received notice from the Director that the owner or operator receiving transfer of the permit, the new permittee, has demonstrated financial responsibility for the well.	Reserve.XXX.NMAC	(x) The transferor of a permit has received notice from the Director that the owner or operator receiving transfer of the permit, the new permittee, has demonstrated financial responsibility for the well.	Text is identical	
316	40 CFR 144.52(a)(7)(ii) (See also 145.11(a)(20))	The permittee shall show evidence of such financial responsibility to the Director by the submission of a surety bond, or other adequate assurance, such as a financial statement or	Reserve.XXX.NMAC	(x) The permittee shall show evidence of such financial responsibility to the Director by the submission of a surety bond, or other adequate assurance, such as a financial statement or other materials acceptable to the Director. The owner or operator of	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		<p>other materials acceptable to the Director. The owner or operator of a well injecting hazardous waste must comply with the financial responsibility requirements of subpart F of this part.</p> <p>For Class VI wells, the permittee shall show evidence of such financial responsibility to the Director by the submission of a qualifying instrument (see §146.85(a) of this chapter), such as a financial statement or other materials acceptable to the Director. The owner or operator of a Class VI well must comply with the financial responsibility requirements set forth in §146.85 of this chapter.</p>		<p>a well injecting hazardous waste must comply with the financial responsibility requirements of subpart F of this part.</p> <p>For Class VI wells, the permittee shall show evidence of such financial responsibility to the Director by the submission of a qualifying instrument (see §146.85(a) of this chapter), such as a financial statement or other materials acceptable to the Director. The owner or operator of a Class VI well must comply with the financial responsibility requirements set forth in §146.85 of this chapter.</p>		
317	40 CFR 144.52(a)(8) (See also 145.11(a)(20))	<i>Mechanical integrity.</i> A permit for any Class I, II, III or VI well or injection project which lacks mechanical integrity shall include, and for any Class	Reserve.XXX.NMAC	(x) <i>Mechanical integrity.</i> A permit for any Class VI well which lacks mechanical integrity shall include a condition prohibiting injection operations until the permittee shows to the	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		V well may include, a condition prohibiting injection operations until the permittee shows to the satisfaction of the Director under §§146.8, or 146.89 for Class VI, that the well has mechanical integrity.		satisfaction of the Director that the well has mechanical integrity.		
318	40 CFR 144.52(a)(9) (See also 145.11(a)(20))	<i>Additional conditions.</i> The Director shall impose on a case-by-case basis such additional conditions as are necessary to prevent the migration of fluids into underground sources of drinking water.	Reserve.XXX.NMAC	(x) <i>Additional conditions.</i> The Director shall impose on a case-by-case basis such additional conditions as are necessary to prevent the migration of fluids into underground sources of drinking water.	Text is identical	
319	40 CFR 144.52(b)(1) (See also 145.11(a)(20))	In addition to conditions required in all permits the Director shall establish conditions in permits as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the SDWA and parts 144, 145, 146 and 124.	Reserve.XXX.NMAC	(x) In addition to conditions required in all permits the Director shall establish conditions in permits as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the SDWA and parts 144, 145, 146 and 124.	Text is identical	
320	40 CFR 144.52(b)(2) (See also 145.11(a)(20))	For a State issued permit, an applicable requirement is a State statutory or regulatory requirement which takes effect prior to final administrative	Reserve.XXX.NMAC	(x) An applicable requirement refers to any State statutory or regulatory provision that becomes effective prior to the final administrative action on a permit application. An applicable	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		disposition of the permit. For State and EPA administered programs, an applicable requirement is also any requirement which takes effect prior to the modification or revocation and reissuance of a permit, to the extent allowed in §144.39.		requirement also includes any provision that becomes effective prior to the modification or revocation and reissuance of a permit, consistent with the authority provided under 40 CFR §144.39.		
321	40 CFR 144.52(b)(3) (See also 145.11(a)(20))	New or reissued permits, and to the extent allowed under §144.39 modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in §144.52.	Reserve.XXX.NMAC	(x) New or reissued permits, and to the extent allowed under §144.39 modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in §144.52.	Similar to CFR	
322	40 CFR 144.52(c) (See also 145.11(a)(20))	Incorporation. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.	Reserve.XXX.NMAC	(x) <i>Incorporation.</i> All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit	Text is identical	
40 CFR 144.53 Schedule of compliance.						
323	40 CFR 144.53(a) (See also 145.11(a)(21))	General. The permit may, when appropriate, specify	Reserve.XXX.NMAC	(x) <i>General.</i> The permit may, when appropriate, specify a	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		a schedule of compliance leading to compliance with the SDWA and parts 144, 145, 146, and 124.		schedule of compliance leading to compliance with the SDWA and parts 144, 145, 146, and 124.		
324	40 CFR 144.53(a)(1) (See also 145.11(a)(21))	Time for compliance. Any schedules of compliance shall require compliance as soon as possible, and in no case later than 3 years after the effective date of the permit.	Reserve.XXX.NMAC	(x) Time for compliance. Any schedules of compliance shall require compliance as soon as possible, and in no case later than 3 years after the effective date of the permit.	Text is identical	
325	40 CFR 144.53(a)(2) (See also 145.11(a)(21))	Interim dates. Except as provided in paragraph (b)(1)(ii) of this section, if a permit establishes a schedule of compliance which exceeds 1 year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.	Reserve.XXX.NMAC	(x) Interim dates. Except as provided in paragraph (b)(1)(ii) of this section, if a permit establishes a schedule of compliance which exceeds 1 year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.	Similar to CFR	
326	40 CFR 144.53(a)(2)(i) (See also 145.11(a)(21))	The time between interim dates shall not exceed 1 year.	Reserve.XXX.NMAC	(x) The time between interim dates shall not exceed one year.	Text is identical	
327	40 CFR 144.53(a)(2)(ii) (See also 145.11(a)(21))	If the time necessary for completion of any interim requirement is more than 1 year and is not readily divisible into stages for completion, the permit	Reserve.XXX.NMAC	(x) If the time necessary for completion of any interim requirement is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.		submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.		
328	40 CFR 144.53(a)(3) (See also 145.11(a)(21))	Reporting. The permit shall be written to require that if paragraph (a)(1) of this section is applicable, progress reports be submitted no later than 30 days following each interim date and the final date of compliance.	Reserve.XXX.NMAC	(x) Reporting. The permit shall be written to require that if paragraph (a)(1) of this section is applicable, progress reports be submitted no later than 30 days following each interim date and the final date of compliance.	Similar to CFR	
40 CFR 144.54 Requirements for recording and reporting of monitoring results.						
329	40 CFR 144.54(a) (See also 145.11(a)(22))	All permits shall specify: Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);	Reserve.XXX.NMAC	(x) All permits shall specify: Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);	Text is identical	
330	40 CFR 144.54(b) (See also 145.11(a)(22))	Required monitoring including type, intervals, and frequency sufficient to yield data which are	Reserve.XXX.NMAC	(x) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		representative of the monitored activity including when appropriate, continuous monitoring;		monitored activity including when appropriate, continuous monitoring;		
331	40 CFR 144.54(c) (See also 145.11(a)(22))	Applicable reporting requirements based upon the impact of the regulated activity and as specified in part 146. Reporting shall be no less frequent than specified in the above regulations.	Reserve.XXX.NMAC	(x) Applicable reporting requirements based upon the impact of the regulated activity and as specified in part 146. Reporting shall be no less frequent than specified in the above regulations.	Similar to CFR	
PART 145—STATE UIC PROGRAM REQUIREMENTS						
40 CFR 146.13 Requirements for enforcement authority						
332	40 CFR 146.13(a)	(a) Any State agency administering a program shall have available the following remedies for violations of State program requirements:		(a) Any State agency administering a program shall have available the following remedies for violations of State program requirements:	Adoption by Reference	
333	40 CFR 146.13(a)(1)	(1) To restrain immediately and effectively any person by order or by suit in State court from engaging in any unauthorized activity which is endangering or causing damage to public health or environment;		(1) To restrain immediately and effectively any person by order or by suit in State court from engaging in any unauthorized activity which is endangering or causing damage to public health or environment;	Adoption by Reference	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
334	40 CFR 146.13(a)(2)	(2) To sue in courts of competent jurisdiction to enjoin any threatened or continuing violation of any program requirement, including permit conditions, without the necessity of a prior revocation of the permit;		(2) To sue in courts of competent jurisdiction to enjoin any threatened or continuing violation of any program requirement, including permit conditions, without the necessity of a prior revocation of the permit;	Adoption by Reference	
335	40 CFR 146.13(a)(3)	(3) To assess or sue to recover in court civil penalties and to seek criminal remedies, including fines, as follows:		(3) To assess or sue to recover in court civil penalties and to seek criminal remedies, including fines, as follows:	Adoption by Reference	
336	40 CFR 146.13(a)(3)(i)	(i) For all wells except Class II wells, civil penalties shall be recoverable for any program violation in at least the amount of \$2,500 per day. For Class II wells, civil penalties shall be recoverable for any program violation in at least the amount of \$1,000 per day.		(i) For all wells except Class II wells, civil penalties shall be recoverable for any program violation in at least the amount of \$2,500 per day. For Class II wells, civil penalties shall be recoverable for any program violation in at least the amount of \$1,000 per day.	Adoption by Reference	
337	40 CFR 146.13(a)(3)(ii)	(ii) Criminal fines shall be recoverable in at least the amount of \$5,000 per day against any person who		(ii) Criminal fines shall be recoverable in at least the amount of \$5,000 per day against any person who willfully violates any	Adoption by Reference	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		willfully violates any program requirement, or for Class II wells, pipeline (production) severance shall be imposable against any person who willfully violates any program requirement.		program requirement, or for Class II wells, pipeline (production) severance shall be imposable against any person who willfully violates any program requirement.		
PART 146--UNDERGROUND INJECTION CONTROL PROGRAM: CRITERIA AND STANDARDS						
40 CFR 146.3 Definitions/ 20.6.2.5.AA						
338	40 CFR 146.3	<i>Abandoned well</i> means a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.	§ 20.6.2.5.AA.A.(1) <i>NMAC</i>	(1) <i>Abandoned well</i> means a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.	Text is identical	
339		<i>Casing</i> means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas, or other fluid from entering or leaving	§ 20.6.2.5.AA.A.(2) <i>NMAC</i>	(2) <i>Casing</i> means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas, or other fluid from entering or leaving the hole.	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		the hole.				
340		<i>Catastrophic collapse</i> means the sudden and utter failure of overlying “strata” caused by removal of underlying materials.	§ 20.6.2.5.AA.A.(3) NMAC	(3) <i>Catastrophic collapse</i> means the sudden and utter failure of overlying “strata” caused by removal of underlying materials.	Text is identical	
341		<i>Cementing</i> means the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.	§ 20.6.2.5.AA.A.(4) NMAC	(4) <i>Cementing</i> means the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.	Text is identical	
342		<i>Confining bed</i> means a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.	§ 20.6.2.5.AA.A.(5) NMAC	(5) <i>Confining bed</i> means a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.	Text is identical	
343		<i>Confining zone</i> means a geological formation, group of formations, or part of a formation that is capable of limiting fluid movement above an injection zone.	§ 20.6.2.5.AA.A.(6) NMAC	(6) <i>Confining zone</i> means a geological formation, group of formations, or part of a formation that is capable of limiting fluid movement above an injection zone.	Text is identical	
344		<i>Conventional mine</i> means an open pit or underground excavation for the production of minerals.	§ 20.6.2.5.AA.A.(7) NMAC	(7) <i>Conventional mine</i> means an open pit or underground excavation for the production of minerals.	Text is identical	
345		<i>Disposal well</i> means a well used for the disposal of	§ 20.6.2.5.AA.A.(8) NMAC	(8) <i>Disposal well</i> means a well used for the disposal of waste into	Text is identical	

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		waste into a subsurface stratum.		a subsurface stratum.		
346		<i>Effective date</i> of a UIC program means the date that a State UIC program is approved or established by the Administrator.	§ 20.6.2.5.AA.A.(9) <i>NMAC</i>	(9) <i>Effective date</i> of a UIC program means the date that a State UIC program is approved or established by the Administrator.	Text is identical	
347		<i>Experimental technology</i> means a technology which has not been proven feasible under the conditions in which it is being tested.	§ 20.6.2.5.AA.A.(10) <i>NMAC</i>	(10) <i>Experimental technology</i> means a technology which has not been proven feasible under the conditions in which it is being tested.	Text is identical	
348		<i>Fault</i> means a surface or zone of rock fracture along which there has been displacement.	§ 20.6.2.5.AA.A.(11) <i>NMAC</i>	(11) <i>Fault</i> means a surface or zone of rock fracture along which there has been displacement.	Text is identical	
349		<i>Flow rate</i> means the volume per time unit given to the flow of gases or other fluid substance which emerges from an orifice, pump, turbine or passes along a conduit or channel.	§ 20.6.2.5.AA.A.(12) <i>NMAC</i>	(12) <i>Flow rate</i> means the volume per time unit given to the flow of gases or other fluid substance which emerges from an orifice, pump, turbine or passes along a conduit or channel.	Text is identical	
350		<i>Lithology</i> means the description of rocks on the basis of their physical and chemical characteristics.	§ 20.6.2.5.AA.A.(13) <i>NMAC</i>	(13) <i>Lithology</i> means the description of rocks on the basis of their physical and chemical characteristics.	Text is identical	
351		<i>Owner or operator</i> means the owner or operator of	§ 20.6.2.5.AA.A.(14) <i>NMAC</i>	(14) <i>Owner or operator</i> means the owner or operator of any	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		any facility or activity subject to regulation under the RCRA, UIC, NPDES, or 404 programs.		facility or activity subject to regulation under the RCRA, UIC, NPDES, or 404 programs.		
352		<i>Packer</i> means a device lowered into a well to produce a fluid-tight seal.	§ 20.6.2.5.AA.A.(15) <i>NMAC</i>	(15) <i>Packer</i> means a device lowered into a well to produce a fluid-tight seal.	Text is identical	
353		<i>Permit</i> means an authorization, license, or equivalent control document issued by EPA or an “approved State” to implement the requirements of this part and parts 124, 144, and 145. Permit does not include RCRA interim status (§122.23), UIC authorization by rule (§§144.21 to 144.26 and 144.15), or any permit which has not yet been the subject of final agency action, such as a “draft permit” or a “proposed permit.”	§ 20.6.2.5.AA.A.(16) <i>NMAC</i>	(16) <i>Permit</i> means an authorization, license, or equivalent control document issued by the Director to implement the requirements of this part and parts 124, 144, and 145. Permit does not include RCRA interim status (§122.23), UIC authorization by rule (§§144.21 to 144.26 and 144.15), or any permit which has not yet been the subject of final agency action, such as a “draft permit” or a “proposed permit.”	Similar to CFR	
354		<i>Plugging</i> means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.	§ 20.6.2.5.AA.A.(17) <i>NMAC</i>	(17) <i>Plugging</i> means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
355		<i>Plugging record</i> means a systematic listing of permanent or temporary abandonment of water, oil, gas, test, exploration and waste injection wells, and may contain a well log, description of amounts and types of plugging material used, the method employed for plugging, a description of formations which are sealed and a graphic log of the well showing formation location, formation thickness, and location of plugging structures.	§ 20.6.2.5.AA.A.(18) <i>NMAC</i>	(18) <i>Plugging record</i> means a systematic listing of permanent or temporary abandonment of water, oil, gas, test, exploration and waste injection wells, and may contain a well log, description of amounts and types of plugging material used, the method employed for plugging, a description of formations which are sealed and a graphic log of the well showing formation location, formation thickness, and location of plugging structures.	Text is identical	
356		<i>Pressure</i> means the total load or force per unit area acting on a surface.	§ 20.6.2.5.AA.A.(19) <i>NMAC</i>	(19) <i>Pressure</i> means the total load or force per unit area acting on a surface.	Text is identical	
357		<i>Sole or principal source aquifer</i> means an aquifer which has been designated by the Administrator pursuant to section 1424 (a) or (e) of the SDWA.	§ 20.6.2.5.AA.A.(20) <i>NMAC</i>	(20) <i>Sole or principal source aquifer</i> means an aquifer which has been designated by the Administrator pursuant to section 1424 (a) or (e) of the SDWA.	Text is identical	
358		<i>Subsidence</i> means the lowering of the natural land surface in response to: Earth movements; lowering of fluid pressure; removal	§ 20.6.2.5.AA.A.(21) <i>NMAC</i>	(21) <i>Subsidence</i> means the lowering of the natural land surface in response to: Earth movements; lowering of fluid pressure; removal of underlying	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		of underlying supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (Hydrocompaction); oxidation of organic matter in soils; or added load on the land surface.		supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (Hydrocompaction); oxidation of organic matter in soils; or added load on the land surface.		
359		<i>Surface casing</i> means the first string of well casing to be installed in the well.	§ 20.6.2.5.AA.A.(22) NMAC	(22) <i>Surface casing</i> means the first string of well casing to be installed in the well.	Text is identical	
360		<i>Well plug</i> means a watertight and gastight seal installed in a borehole or well to prevent movement of fluids.	§ 20.6.2.5.AA.A.(23) NMAC	(23) <i>Well plug</i> means a watertight and gastight seal installed in a borehole or well to prevent movement of fluids.	Text is identical	
361		<i>Well stimulation</i> means several processes used to clean the well bore, enlarge channels, and increase pore space in the interval to be injected thus making it possible for wastewater to move more readily into the formation, and includes (1) surging, (2) jetting, (3) blasting, (4) acidizing, (5) hydraulic fracturing.	§ 20.6.2.5.AA.A.(24) NMAC	(24) <i>Well stimulation</i> means several processes used to clean the well bore, enlarge channels, and increase pore space in the interval to be injected thus making it possible for wastewater to move more readily into the formation, and includes (1) surging, (2) jetting, (3) blasting, (4) acidizing, (5) hydraulic fracturing.	Similar to CFR	
362		<i>Well monitoring</i> means	§ 20.6.2.5.AA.A.(25)	(25) <i>Well monitoring</i> means the	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		the measurement by on-site instruments or laboratory methods, of the quality of water in a well	NMAC	measurement by on-site instruments or laboratory methods, of the quality of water in a well.		
40 CFR 146.4 Criteria for exempted aquifers						
363	40 CFR 146.4	An aquifer or a portion thereof which meets the criteria for an “underground source of drinking water” in §146.3 may be determined under §144.7 of this chapter to be an “exempted aquifer” for Class I–V wells if it meets the criteria in paragraphs (a) through (c) of this section. Class VI wells must meet the criteria under paragraph (d) of this section:	Reserve.XXX.NMAC	(x) An aquifer or a portion thereof which meets the criteria for an “underground source of drinking water” in §146.3 may be determined under §144.7 of this chapter to be an “exempted aquifer” for Class VI wells if it meets the criteria in paragraphs (a) through (d) of this section:	Similar to CFR	
364	40 CFR 146.4(a)	It does not currently serve as a source of drinking water; and	Reserve.XXX.NMAC	(x) It does not currently serve as a source of drinking water; and	Text is identical	
365	40 CFR 146.4(b)	It cannot now and will not in the future serve as a source of drinking water because:	Reserve.XXX.NMAC	(x) It cannot now and will not in the future serve as a source of drinking water because:	Text is identical	
366	40 CFR 146.4(b)(1)	It is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit	Reserve.XXX.NMAC	(x) It is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible.		application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible.		
367	40 CFR 146.4(b)(2)	It is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical;	Reserve.XXX.NMAC	(x) It is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical;	Text is identical	
368	40 CFR 146.4(b)(3)	It is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or	Reserve.XXX.NMAC	(x) It is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or	Text is identical	
369	40 CFR 146.4(b)(4)	It is located over a Class III well mining area subject to subsidence or catastrophic collapse; or	Reserve.XXX.NMAC	(x) It is located over a Class III well mining area subject to subsidence or catastrophic collapse; or	Text is identical	
370	40 CFR 146.4(c)	The total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.	Reserve.XXX.NMAC	(x) The total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
371	40 CFR 146.4(d)	The areal extent of an aquifer exemption for a Class II enhanced oil recovery or enhanced gas recovery well may be expanded for the exclusive purpose of Class VI injection for geologic sequestration under §144.7(d) of this chapter if it meets the following criteria:	Reserve.XXX.NMAC	(x) The areal extent of an aquifer exemption for a Class II enhanced oil recovery or enhanced gas recovery well may be expanded for the exclusive purpose of Class VI injection for geologic sequestration under §144.7(d) of this chapter if it meets the following criteria:	Similar to CFR	
372	40 CFR 146.4(d)(1)	It does not currently serve as a source of drinking water; and	Reserve.XXX.NMAC	(x) It does not currently serve as a source of drinking water; and	Text is identical	
373	40 CFR 146.4(d)(2)	The total dissolved solids content of the ground water is more than 3,000 mg/l and less than 10,000 mg/l; and	Reserve.XXX.NMAC	(x) The total dissolved solids content of the ground water is more than 3,000 mg/l and less than 10,000 mg/l; and	Text is identical	
374	40 CFR 146.4(d)(3)	It is not reasonably expected to supply a public water system.	Reserve.XXX.NMAC	(x) It is not reasonably expected to supply a public water system.	Text is identical	
Subpart H - Criteria and Standards Applicable to Class VI Wells						
40 CFR 146.81 Applicability.						
375	40 CFR 146.81(a)	This subpart establishes criteria and standards for underground injection control programs to regulate any Class VI carbon dioxide geologic sequestration injection	§ 20.6.2.5.A NMAC	A. This subpart establishes criteria and standards for underground injection control programs to regulate any Class VI carbon dioxide geologic sequestration injection wells.	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		wells.				
376	40 CFR 146.81(b)	This subpart applies to any wells used to inject carbon dioxide specifically for the purpose of geologic sequestration, i.e., the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations.	§ 20.6.2.5.A.(1) NMAC	(1) This subpart applies to any wells used to inject carbon dioxide specifically for the purpose of geologic sequestration, i.e., the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations.	Text is identical	
377	40 CFR 146.81(c)	This subpart also applies to owners or operators of permit- or rule-authorized Class I, Class II, or Class V experimental carbon dioxide injection projects who seek to apply for a Class VI geologic sequestration permit for their well or wells. Owners or operators seeking to convert existing Class I, Class II, or Class V experimental wells to Class VI geologic sequestration wells must demonstrate to the Director that the wells were engineered and constructed to meet the	§ 20.6.2.5.A.(2) NMAC	(2) This subpart also applies to owners or operators of permit- or rule-authorized Class I, Class II, or Class V experimental carbon dioxide injection projects who seek to apply for a Class VI geologic sequestration permit for their well or wells. Owners or operators seeking to convert existing Class I, Class II, or Class V experimental wells to Class VI geologic sequestration wells must demonstrate to the Director that the wells were engineered and constructed to meet the requirements at § 20.6.2.5.P NMAC and ensure protection of underground sources of drinking water (USDWs), in lieu of requirements at § 20.6.2.5.G(2)	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		requirements at 40 CFR 146.86(a) and ensure protection of USDWs, in lieu of requirements at 40 CFR 146.86(b) and 146.87(a). By December 10, 2011, owners or operators of either Class I wells previously permitted for the purpose of geologic sequestration or Class V experimental technology wells no longer being used for experimental purposes that will continue injection of carbon dioxide for the purpose of GS must apply for a Class VI permit. A converted well must still meet all other requirements under part 146.		and § 20.6.2.5.H(1) NMAC. By December 10, 2011, owners or operators of either Class I wells previously permitted for the purpose of geologic sequestration or Class V experimental technology wells no longer being used for experimental purposes that will continue injection of carbon dioxide for the purpose of GS must apply for a Class VI permit. A converted well must still meet all other requirements under § 20.6.2.5 NMAC.		
378	40 CFR 146.81(d)	<i>Definitions.</i> The following definitions apply to this subpart. To the extent that these definitions conflict with those in 40 CFR 144.3 or 146.3, these definitions govern for Class VI wells:	§ 20.6.2.5.B NMAC	B. <i>Definitions.</i> The following definitions apply to this subpart. To the extent that these definitions conflict with those in § 144.3 or § 146.3 of this chapter, these definitions govern for Class VI wells:	Similar to CFR	
379		Area of review means the region surrounding the	§ 20.6.2.5.B.(1) NMAC	(1) <i>Area of review</i> means the region surrounding the geologic	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		geologic sequestration project where USDWs may be endangered by the injection activity. The area of review is delineated using computational modeling that accounts for the physical and chemical properties of all phases of the injected carbon dioxide stream and displaced fluids, and is based on available site characterization, monitoring, and operational data as set forth in § 146.84.		sequestration project where USDWs may be endangered by the injection activity. The area of review is delineated using computational modeling that accounts for the physical and chemical properties of all phases of the injected carbon dioxide stream and displaced fluids, and is based on available site characterization, monitoring, and operational data as set forth in § 20.6.2.5.E NMAC.		
380		Carbon dioxide plume means the extent underground, in three dimensions, of an injected carbon dioxide stream.	§ 20.6.2.5.B.(2) NMAC	(2) <i>Carbon dioxide plume</i> means the extent underground, in three dimensions, of an injected carbon dioxide stream.	Text is identical	
381		Carbon dioxide stream means carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to	§ 20.6.2.5.B.(3) NMAC	(3) <i>Carbon dioxide stream</i> means carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process. This subpart does not	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		the stream to enable or improve the injection process. This subpart does not apply to any carbon dioxide stream that meets the definition of a hazardous waste under 40 CFR part 2361.		apply to any carbon dioxide stream that meets the definition of a hazardous waste under 40 CFR part 2361.		
382		Confining zone means a geologic formation, group of formations, or part of a formation stratigraphically overlying the injection zone(s) that acts as barrier to fluid movement. For Class VI wells operating under an injection depth waiver, confining zone means a geologic formation, group of formations, or part of a formation stratigraphically overlying and underlying the injection zone(s).	§ 20.6.2.5.B.(4) NMAC	(4) <i>Confining zone</i> means a geologic formation, group of formations, or part of a formation stratigraphically overlying the injection zone(s) that acts as barrier to fluid movement. For Class VI wells operating under an injection depth waiver, confining zone means a geologic formation, group of formations, or part of a formation stratigraphically overlying and underlying the injection zone(s).	Text is identical	
383		Corrective action means the use of Director-approved methods to ensure that wells within the area of review do not serve as conduits for the movement of fluids into	§ 20.6.2.5.B.(5) NMAC	(5) <i>Corrective action</i> means the use of Director-approved methods to ensure that wells within the area of review do not serve as conduits for the movement of fluids into USDWs.	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		underground sources of drinking water (USDW).				
384		Geologic sequestration means the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations. This term does not apply to carbon dioxide capture or transport.	§ 20.6.2.5.B.(6) NMAC	(6) <i>Geologic sequestration</i> means the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations. This term does not apply to carbon dioxide capture or transport.	Text is identical	
385		Geologic sequestration project means an injection well or wells used to emplace a carbon dioxide stream beneath the lowermost formation containing a USDW; or, wells used for geologic sequestration of carbon dioxide that have been granted a waiver of the injection depth requirements pursuant to requirements at § 146.95; or, wells used for geologic sequestration of carbon dioxide that have received an expansion to the areal extent of an existing Class II enhanced oil recovery	§ 20.6.2.5.B.(7) NMAC	(7) <i>Geologic sequestration project</i> means an injection well or wells used to emplace a carbon dioxide stream beneath the lowermost formation containing a USDW; or, wells used for geologic sequestration of carbon dioxide that have been granted a waiver of the injection depth requirements pursuant to requirements at § 20.6.2.5.P NMAC; or, wells used for geologic sequestration of carbon dioxide that have received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to §§ 146.4 and 144.7(d) of this chapter. It includes the subsurface three-	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		or enhanced gas recovery aquifer exemption pursuant to §§ 146.4 and 144.7(d) of this chapter. It includes the subsurface three-dimensional extent of the carbon dioxide plume, associated area of elevated pressure, and displaced fluids, as well as the surface area above that delineated region.		dimensional extent of the carbon dioxide plume, associated area of elevated pressure, and displaced fluids, as well as the surface area above that delineated region.		
386		Injection zone means a geologic formation, group of formations, or part of a formation that is of sufficient areal extent, thickness, porosity, and permeability to receive carbon dioxide through a well or wells associated with a geologic sequestration project.	§ 20.6.2.5.B.(8) NMAC	(8) <i>Injection zone</i> means a geologic formation, group of formations, or part of a formation that is of sufficient areal extent, thickness, porosity, and permeability to receive carbon dioxide through a well or wells associated with a geologic sequestration project.	Text is identical	
387		Post-injection site care means appropriate monitoring and other actions (including corrective action) needed following cessation of injection to ensure that USDWs are not endangered, as required	§ 20.6.2.5.B.(9) NMAC	(9) <i>Post-injection site care</i> means appropriate monitoring and other actions (including corrective action) needed following cessation of injection to ensure that USDWs are not endangered, as required under § 20.6.2.5.N NMAC.	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		under § 146.93.				
388		Pressure front means the zone of elevated pressure that is created by the injection of carbon dioxide into the subsurface. For the purposes of this subpart, the pressure front of a carbon dioxide plume refers to a zone where there is a pressure differential sufficient to cause the movement of injected fluids or formation fluids into a USDW.	§ 20.6.2.5.B.(10) NMAC	(10) <i>Pressure front</i> means the zone of elevated pressure that is created by the injection of carbon dioxide into the subsurface. For the purposes of this subpart, the pressure front of a carbon dioxide plume refers to a zone where there is a pressure differential sufficient to cause the movement of injected fluids or formation fluids into a USDW.	Text is identical	
389		Site closure means the point/time, as determined by the Director following the requirements under § 146.93, at which the owner or operator of a geologic sequestration site is released from post-injection site care responsibilities.	§ 20.6.2.5.B.(11) NMAC	(11) <i>Site closure</i> means the point/time, as determined by the Director following the requirements under § 20.6.2.5.N NMAC, at which the owner or operator of a geologic sequestration site is released from post-injection site care responsibilities.	Similar to CFR	
390		Transmissive fault or fracture means a fault or fracture that has sufficient permeability and vertical extent to allow fluids to move between formations.	§ 20.6.2.5.B.(12) NMAC	(12) <i>Transmissive fault or fracture</i> means a fault or fracture that has sufficient permeability and vertical extent to allow fluids to move between formations.	Text is identical	
40 CFR 146.82 Required Class VI permit information.						
391	40 CFR 146.82	This section sets forth the	§ 20.6.2.5.C NMAC	(C) This section sets forth the	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		information which must be considered by the Director in authorizing Class VI wells. For converted Class I, Class II, or Class V experimental wells, certain maps, cross-sections, tabulations of wells within the area of review and other data may be included in the application by reference provided they are current, readily available to the Director, and sufficiently identified to be retrieved.		information the Director must consider when authorizing Class VI wells. For converted Class I, Class II, or Class V experimental wells, certain maps, cross-sections, tabulations of wells within the area of review, and other relevant data may be incorporated into the application by reference, provided the information is current, readily accessible to the Director, and clearly identified for retrieval. The owner or operator shall also refer to the appropriate application form for any additional information that may be required by the Director.		
392	40 CFR 146.82(a)	Prior to the issuance of a permit for the construction of a new Class VI well or the conversion of an existing Class I, Class II, or Class V well to a Class VI well, the owner or operator shall submit, pursuant to 40 CFR 146.91(e), and the Director shall consider the following:	§ 20.6.2.5.C.(1) NMAC	(1) Prior to the issuance of a permit for the construction of a new Class VI well or the conversion of an existing Class I, Class II, or Class V well to a Class VI well, the owner or operator shall submit, pursuant to § 20.6.2.5.L(5) NMAC, and the Director shall consider the following:	Similar to CFR	
393	40 CFR 146.82(a)(1)	Information required in 40 CFR 144.31 (e)(1) through (6);	§ 20.6.2.5.C.(1)(a) NMAC	(a) Information required in § 144.31(e)(1) through (6) of this chapter;	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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394	40 CFR 146.82(a)(2)	A map showing the injection well for which a permit is sought and the applicable area of review consistent with 40 CFR 146.84. Within the area of review, the map must show the number or name, and location of all injection wells, producing wells, abandoned wells, plugged wells or dry holes, deep stratigraphic boreholes, State- or EPA-approved subsurface cleanup sites, surface bodies of water, springs, mines (surface and subsurface), quarries, water wells, other pertinent surface features including structures intended for human occupancy, State, Tribal, and Territory boundaries, and roads. The map should also show faults, if known or suspected. Only information of public record is required to be included on this map;	§ 20.6.2.5.C.(1)(b) NMAC	(b) A map showing the injection well for which a permit is sought and the applicable area of review consistent with § 20.6.2.5.E NMAC. Within the area of review, the map must show the number or name, and location of all injection wells, producing wells, abandoned wells, plugged wells or dry holes, deep stratigraphic boreholes, State- or EPA-approved subsurface cleanup sites, surface bodies of water, springs, mines (surface and subsurface), quarries, water wells, other pertinent surface features including structures intended for human occupancy, State, Tribal, and Territory boundaries, and roads. The map should also show faults, if known or suspected. Only information of public record is required to be included on this map;	Similar to CFR	
395	40 CFR 146.82(a)(3)	Information on the	§ 20.6.2.5.C.(1)(c)	(c) Information on the geologic	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		geologic structure and hydrogeologic properties of the proposed storage site and overlying formations, including:	<i>NMAC</i>	structure and hydrogeologic properties of the proposed storage site and overlying formations, including:		
396	40 CFR 146.82(a)(3)(i)	Maps and cross sections of the area of review;	§ 20.6.2.5.C.(1)(c)(i) <i>NMAC</i>	(i) Maps and cross sections of the area of review;	Text is identical	
397	40 CFR 146.82(a)(3)(ii)	The location, orientation, and properties of known or suspected faults and fractures that may transect the confining zone(s) in the area of review and a determination that they would not interfere with containment;	§ 20.6.2.5.C.(1)(c)(ii) <i>NMAC</i>	(ii) The location, orientation, and properties of known or suspected faults and fractures that may transect the confining zone(s) in the area of review and a determination that they would not interfere with containment;	Text is identical	
398	40 CFR 146.82(a)(3)(iii)	Data on the depth, areal extent, thickness, mineralogy, porosity, permeability, and capillary pressure of the injection and confining zone(s); including geology/facies changes based on field data which may include geologic cores, outcrop data, seismic surveys, well logs, and names and lithologic descriptions;	§ 20.6.2.5.C.(1)(c)(iii) <i>NMAC</i>	(iii) Data on the depth, areal extent, thickness, mineralogy, porosity, permeability, and capillary pressure of the injection and confining zone(s); including geology/facies changes based on field data which may include geologic cores, outcrop data, seismic surveys, well logs, and names and lithologic descriptions;	Text is identical	
399	40 CFR 146.82(a)(3)(iv)	Geomechanical information on fractures, stress,	§ 20.6.2.5.C.(1)(c)(iv)	(iv) Geomechanical information	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		ductility, rock strength, and in situ fluid pressures within the confining zone(s);	<i>NMAC</i>	on fractures, stress, ductility, rock strength, and in situ fluid pressures within the confining zone(s);		
400	40 CFR 146.82(a)(3)(v)	Information on the seismic history including the presence and depth of seismic sources and a determination that the seismicity would not interfere with containment; and	§ 20.6.2.5.C.(1)(c)(v) <i>NMAC</i>	(v) Information on the seismic history including the presence and depth of seismic sources and a determination that the seismicity would not interfere with containment; and	Text is identical	
401	40 CFR 146.82(a)(3)(vi)	Geologic and topographic maps and cross sections illustrating regional geology, hydrogeology, and the geologic structure of the local area.	§ 20.6.2.5.C.(1)(vi) <i>NMAC</i>	(vi) Geologic and topographic maps and cross sections illustrating regional geology, hydrogeology, and the geologic structure of the local area.	Text is identical	
402	40 CFR 146.82(a)(4)	A tabulation of all wells within the area of review which penetrate the injection or confining zone(s). Such data must include a description of each well's type, construction, date drilled, location, depth, record of plugging and/or completion, and any additional information the Director may require;	§ 20.6.2.5.C.(1)(d) <i>NMAC</i>	(d) A comprehensive tabulation of all wells within the area of review. The tabulation shall include, at a minimum, each well's type, construction, date drilled, location, total depth, plugging and/or completion record, and any other information the Director may require. For all wells that penetrate the confining zone and/or injection zone, the operator shall provide additional documentation sufficient to evaluate the potential for fluid	More stringent	

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				migration along the wellbore. This may include, but is not limited to, casing and cement integrity records, mechanical integrity test results, and any relevant historical or geophysical data necessary to assess the risk to underground sources of drinking water.		
403	40 CFR 146.82(a)(5)	Maps and stratigraphic cross sections indicating the general vertical and lateral limits of all USDWs, water wells and springs within the area of review, their positions relative to the injection zone(s), and the direction of water movement, where known;	§ 20.6.2.5.C.(1)(e) NMAC	(e) Maps and stratigraphic cross sections indicating the general vertical and lateral limits of all USDWs, water wells and springs within the area of review, their positions relative to the injection zone(s), and the direction of water movement, where known;	Text is identical	
404	40 CFR 146.82(a)(6)	Baseline geochemical data on subsurface formations, including all USDWs in the area of review;	§ 20.6.2.5.C.(1)(f) NMAC	(f) Baseline geochemical data on subsurface formations, including all USDWs in the area of review;	Text is identical	
405	40 CFR 146.82(a)(7)	Proposed operating data for the proposed geologic sequestration site:	§ 20.6.2.5.C.(1)(g) NMAC	(g) Proposed operating data for the proposed geologic sequestration site:	Text is identical	
406	40 CFR 146.82(a)(7)(i)	Average and maximum daily rate and volume and/or mass and total anticipated volume and/or mass of the	§ 20.6.2.5.C.(1)(g)(i) NMAC	(i) Average and maximum daily rate and volume and/or mass and total anticipated volume and/or mass of the carbon dioxide stream;	Text is identical	

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		carbon dioxide stream;				
407	40 CFR 146.82(a)(7)(ii)	Average and maximum injection pressure;	§ 20.6.2.5.C.(1)(g)(ii) NMAC	(ii) Average and maximum injection pressure;	Text is identical	
408	40 CFR 146.82(a)(7)(iii)	The source(s) of the carbon dioxide stream; and	§ 20.6.2.5.C.(1)(g)(iii) NMAC	(iii) The source(s) of the carbon dioxide stream; and	Text is identical	
409	40 CFR 146.82(a)(7)(iv)	An analysis of the chemical and physical characteristics of the carbon dioxide stream.	§ 20.6.2.5.C.(1)(g)(iv) NMAC	(iv) An analysis of the chemical and physical characteristics of the carbon dioxide stream.	Text is identical	
410	40 CFR 146.82(a)(8)	Proposed pre-operational formation testing program to obtain an analysis of the chemical and physical characteristics of the injection zone(s) and confining zone(s) and that meets the requirements at 40 CFR 146.87;	§ 20.6.2.5.C.(1)(h) NMAC	(h) Proposed pre-operational formation testing program to obtain an analysis of the chemical and physical characteristics of the injection zone(s) and confining zone(s) and that meets the requirements at § 20.6.2.5.H NMAC;	Similar to CFR	
411	40 CFR 146.82(a)(9)	Proposed stimulation program, a description of stimulation fluids to be used and a determination that stimulation will not interfere with containment;	§ 20.6.2.5.C.(1)(i) NMAC	(i) Proposed stimulation program, a description of stimulation fluids to be used and a determination that stimulation will not interfere with containment;	Text is identical	
412	40 CFR 146.82(a)(10)	Proposed procedure to outline steps necessary to conduct injection operation;	§ 20.6.2.5.C.(1)(j) NMAC	(j) Proposed injection operation procedures;	Similar to CFR	
413	40 CFR	Schematics or other	§ 20.6.2.5.C.(1)(k)	(k) Schematics or other	Text is identical	

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Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
	146.82(a)(11)	appropriate drawings of the surface and subsurface construction details of the well;	<i>NMAC</i>	appropriate drawings of the surface and subsurface construction details of the well;		
414	40 CFR 146.82(a)(12)	Injection well construction procedures that meet the requirements of 40 CFR 146.86;	§ 20.6.2.5.C.(1)(l) <i>NMAC</i>	(l) Injection well construction procedures that meet the requirements of § 20.6.2.5.G NMAC;	Similar to CFR	
415	40 CFR 146.82(a)(13)	Proposed area of review and corrective action plan that meets the requirements under 40 CFR 146.84;	§ 20.6.2.5.C.(1)(m) <i>NMAC</i>	(m) Proposed area of review and corrective action plan that meets the requirements under § 20.6.2.5.E NMAC;	Similar to CFR	
416	40 CFR 146.82(a)(14)	A demonstration, satisfactory to the Director, that the applicant has met the financial responsibility requirements under 40 CFR 146.85;	§ 20.6.2.5.C.(1)(n) <i>NMAC</i>	(n) A demonstration, satisfactory to the Director, that the applicant has met the financial responsibility requirements under § 20.6.2.5.F NMAC;	Similar to CFR	
417	40 CFR 146.82(a)(15)	Proposed testing and monitoring plan required by 40 CFR 146.90;	§ 20.6.2.5.C.(1)(o) <i>NMAC</i>	(o) Proposed testing and monitoring plan required by § 20.6.2.5.K NMAC;	Similar to CFR	
418	40 CFR 146.82(a)(16)	Proposed injection well plugging plan required by 40 CFR 146.92(b);	§ 20.6.2.5.C.(1)(p) <i>NMAC</i>	(p) Proposed injection well plugging plan required by § 20.6.2.5.M(2) NMAC;	Similar to CFR	
419	40 CFR 146.82(a)(17)	Proposed post-injection site care and site closure plan required by 40 CFR 146.93(a);	§ 20.6.2.5.C.(1)(q) <i>NMAC</i>	(q) Proposed post-injection site care and site closure plan required by § 20.6.2.5.N(1) NMAC;	Similar to CFR	

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Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
420	40 CFR 146.82(a)(18)	At the Director's discretion, a demonstration of an alternative post-injection site care timeframe required by 40 CFR 146.93(c);	§ 20.6.2.5.C.(1)(r) NMAC	(r) At the Director's discretion, a demonstration of an alternative post-injection site care timeframe required by § 20.6.2.5.N(3) NMAC;	Similar to CFR	
421	40 CFR 146.82(a)(19)	Proposed emergency and remedial response plan required by 40 CFR 146.94(a);	§ 20.6.2.5.C.(1)(s) NMAC	(s) Proposed emergency and remedial response plan required by § 20.6.2.5.O(1) NMAC;	Similar to CFR	
422	40 CFR 146.82(a)(20)	A list of contacts, submitted to the Director, for those States, Tribes, and Territories identified to be within the area of review of the Class VI project based on information provided in paragraph (a)(2) of this section; and	§ 20.6.2.5.C.(1)(t) NMAC	(t) A list of contacts, submitted to the Director, for those States, Tribes, and Territories identified to be within the area of review of the Class VI project based on information provided in paragraph (1)(b) of this section;	Similar to CFR	
423	No Equivalent Federal Requirement	No Equivalent Federal Requirement	§ 20.6.2.5.C.(1)(u) NMAC	(u) A summary of community outreach activities conducted with communities located within the AoR prior to submittal of the permit application; and	More Stringent	
424	40 CFR 146.82(a)(21)	Any other information requested by the Director.	§ 20.6.2.5.C.(1)(v) NMAC	(v) Any other information requested by the Director.	Text is identical	
425	40 CFR 146.82(b)	The Director shall notify, in writing, any States, Tribes, or Territories within the area of review	§ 20.6.2.5.C.(2) NMAC	(2) The Director shall notify, in writing, any States, Tribes, or Territories within the area of review of the Class VI project	Similar to CFR	

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		of the Class VI project based on information provided in paragraphs (a)(2) and (a)(20) of this section of the permit application and pursuant to the requirements at 40 CFR 145.23(f)(13).		based on information provided in paragraphs (1)(b) and (1)(t) of this section of the permit application and pursuant to the requirements at § 145.23(f)(13) of this chapter.		
426	40 CFR 146.82(c)	Prior to granting approval for the operation of a Class VI well, the Director shall consider the following information:	§ 20.6.2.5.C.(3) NMAC	(3) Prior to granting approval for the operation of a Class VI well, the Director shall consider the following information:	Text is identical	
427	40 CFR 146.82(c)(1)	The final area of review based on modeling, using data obtained during logging and testing of the well and the formation as required by paragraphs (c)(2), (3), (4), (6), (7), and (10) of this section;	§ 20.6.2.5.C.(3)(a) NMAC	(a) The final area of review based on modeling, using data obtained during logging and testing of the well and the formation as required by paragraphs (3)(b), (c), (d), (e), (f), and (j) of this section;	Similar to CFR	
428	40 CFR 146.82(c)(2)	Any relevant updates, based on data obtained during logging and testing of the well and the formation as required by paragraphs (c)(3), (4), (6), (7), and (10) of this section, to the information on the geologic structure and hydrogeologic properties of the proposed	§ 20.6.2.5.C.(3)(b) NMAC	(b) Any relevant updates, based on data obtained during logging and testing of the well and the formation as required by paragraphs (3)(c), (d), (f), (g), and (j) of this section, to the information on the geologic structure and hydrogeologic properties of the proposed storage site and overlying formations, submitted to satisfy the	Similar to CFR	

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		storage site and overlying formations, submitted to satisfy the requirements of paragraph (a)(3) of this section;		requirements of paragraph (1)(c) of this section;		
429	40 CFR 146.82(c)(3)	Information on the compatibility of the carbon dioxide stream with fluids in the injection zone(s) and minerals in both the injection and the confining zone(s), based on the results of the formation testing program, and with the materials used to construct the well;	§ 20.6.2.5.C.(3)(c) NMAC	(c) Information on the compatibility of the carbon dioxide stream with fluids in the injection zone(s) and minerals in both the injection and the confining zone(s), based on the results of the formation testing program, and with the materials used to construct the well;	Text is identical	
430	40 CFR 146.82(c)(4)	The results of the formation testing program required at paragraph (a)(8) of this section;	§ 20.6.2.5.C.(3)(d) NMAC	(d) The results of the formation testing program required at paragraph (1)(h) of this section;	Similar to CFR	
431	40 CFR 146.82(c)(5)	Final injection well construction procedures that meet the requirements of 40 CFR 146.86;	§ 20.6.2.5.C.(3)(e) NMAC	(e) Final injection well construction procedures that meet the requirements of § 20.6.2.5.G NMAC	Similar to CFR	
432	40 CFR 146.82(c)(6)	The status of corrective action on wells in the area of review;	§ 20.6.2.5.C.(3)(f) NMAC	(f) The status of corrective action on wells in the area of review;	Text is identical	
433	40 CFR 146.82(c)(7)	All available logging and testing program data on the well required by 40 CFR 146.87;	§ 20.6.2.5.C.(3)(g) NMAC	(g) All available logging and testing program data on the well required by § 20.6.2.5.H NMAC;	Similar to CFR	
434	40 CFR	A demonstration of	§ 20.6.2.5.C.(3)(h)	(h) A demonstration of	Similar to CFR	

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	146.82(c)(8)	mechanical integrity pursuant to 40 CFR 146.89;	<i>NMAC</i>	mechanical integrity pursuant to § 20.6.2.5.J NMAC;		
435	40 CFR 146.82(c)(9)	Any updates to the proposed area of review and corrective action plan, testing and monitoring plan, injection well plugging plan, post-injection site care and site closure plan, or the emergency and remedial response plan submitted under paragraph (a) of this section, which are necessary to address new information collected during logging and testing of the well and the formation as required by all paragraphs of this section, and any updates to the alternative post-injection site care timeframe demonstration submitted under paragraph (a) of this section, which are necessary to address new information collected during the logging and testing of the well and the formation as required by	§ 20.6.2.5.C.(3)(i) <i>NMAC</i>	(i) Any updates to the proposed area of review and corrective action plan, testing and monitoring plan, injection well plugging plan, post-injection site care and site closure plan, or the emergency and remedial response plan submitted under paragraph (1) of this section, which are necessary to address new information collected during logging and testing of the well and the formation as required by all paragraphs of this section, and any updates to the alternative post-injection site care timeframe demonstration submitted under paragraph (1) of this section, which are necessary to address new information collected during the logging and testing of the well and the formation as required by all paragraphs of this section; and	Similar to CFR	

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		all paragraphs of this section; and				
436	40 CFR 146.82(c)(10)	Any other information requested by the Director.	§ 20.6.2.5.C.(3)(j) NMAC	(j) Any other information requested by the Director.	Text is identical	
437	40 CFR 146.82(d)	Owners or operators seeking a waiver of the requirement to inject below the lowermost USDW must also refer to 40 CFR 146.95 and submit a supplemental report, as required at 40 CFR 146.95(a). The supplemental report is not part of the permit application.	§ 20.6.2.5.C.(4) NMAC	(4) Owners or operators seeking a waiver of the requirement to inject below the lowermost USDW must also refer to § 20.6.2.5.P NMAC and submit a supplemental report, as required at § 20.6.2.5.P(1) NMAC. The supplemental report is not part of the permit application	Similar to CFR	
40 CFR 146.83 Minimum criteria for siting.						
438	40 CFR 146.83(a)	Owners or operators of Class VI wells must demonstrate to the satisfaction of the Director that the wells will be sited in areas with a suitable geologic system. The owners or operators must demonstrate that the geologic system comprises:	§ 20.6.2.5.D.(1) NMAC	(1) Owners or operators of Class VI wells must demonstrate to the satisfaction of the Director that the wells will be sited in areas with a suitable geologic system. The owners or operators must demonstrate that the geologic system comprises:	Text is identical	
439	40 CFR 146.83(a)(1)	An injection zone(s) of sufficient areal extent, thickness, porosity, and	§ 20.6.2.5.D.(1)(a) NMAC	(a) An injection zone(s) of sufficient areal extent, thickness, porosity, and permeability to	Text is identical	

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		permeability to receive the total anticipated volume of the carbon dioxide stream;		receive the total anticipated volume of the carbon dioxide stream;		
440	40 CFR 146.83(a)(2)	Confining zone(s) free of transmissive faults or fractures and of sufficient areal extent and integrity to contain the injected carbon dioxide stream and displaced formation fluids and allow injection at proposed maximum pressures and volumes without initiating or propagating fractures in the confining zone(s).	§ 20.6.2.5.D.(1)(b) NMAC	(b) Confining zone(s) free of transmissive faults or fractures and of sufficient areal extent and integrity to contain the injected carbon dioxide stream and displaced formation fluids and allow injection at proposed maximum pressures and volumes without initiating or propagating fractures in the confining zone(s).	Text is identical	
441	40 CFR 146.83(b)	The Director may require owners or operators of Class VI wells to identify and characterize additional zones that will impede vertical fluid movement, are free of faults and fractures that may interfere with containment, allow for pressure dissipation, and provide additional opportunities for monitoring, mitigation, and remediation.	§ 20.6.2.5.D.(2) NMAC	(2) The Director may require owners or operators of Class VI wells to identify and characterize additional zones that will impede vertical fluid movement, are free of faults and fractures that may interfere with containment, allow for pressure dissipation, and provide additional opportunities for monitoring, mitigation, and remediation.	Text is identical	
40 CFR 146.84 Area of review and corrective action.						

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442	40 CFR 146.84(a)	The area of review is the region surrounding the geologic sequestration project where USDWs may be endangered by the injection activity. The area of review is delineated using computational modeling that accounts for the physical and chemical properties of all phases of the injected carbon dioxide stream and is based on available site characterization, monitoring, and operational data.	§ 20.6.2.5.E.(1) NMAC	(1) The area of review is the region surrounding the geologic sequestration project where USDWs may be endangered by the injection activity. The area of review is delineated using computational modeling that accounts for the physical and chemical properties of all phases of the injected carbon dioxide stream and is based on available site characterization, monitoring, and operational data.	Text is identical	
443	40 CFR 146.84(b)	The owner or operator of a Class VI well must prepare, maintain, and comply with a plan to delineate the area of review for a proposed geologic sequestration project, periodically reevaluate the delineation, and perform corrective action that meets the requirements of this section and is acceptable to the Director. The requirement to maintain	§ 20.6.2.5.E.(2) NMAC	(2) The owner or operator of a Class VI well must prepare, maintain, and comply with a plan to delineate the area of review for a proposed geologic sequestration project, periodically reevaluate the delineation, and perform corrective action that meets the requirements of this section and is acceptable to the Director. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. As a part	Text is identical	

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		and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. As a part of the permit application for approval by the Director, the owner or operator must submit an area of review and corrective action plan that includes the following information:		of the permit application for approval by the Director, the owner or operator must submit an area of review and corrective action plan that includes the following information:		
444	40 CFR 146.84(b)(1)	The method for delineating the area of review that meets the requirements of paragraph (c) of this section, including the model to be used, assumptions that will be made, and the site characterization data on which the model will be based;	§ 20.6.2.5.E.(2)(a) NMAC	(a) The method for delineating the area of review that meets the requirements of paragraph (3) of this section, including the model to be used, assumptions that will be made, and the site characterization data on which the model will be based;	Similar to CFR	
445	40 CFR 146.84(b)(2)	A description of:	§ 20.6.2.5.E.(2)(b) NMAC	(b) A description of:	Text is identical	
446	40 CFR 146.84(b)(2)(i)	The minimum fixed frequency, not to exceed five years, at which the owner or operator proposes to reevaluate the area of review;	§ 20.6.2.5.E.(2)(b)(i) NMAC	(i) The fixed frequency between AoR reevaluations, which must include an initial reevaluation two years after injection begins, and at no time may exceed four years	More stringent	

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447	40 CFR 146.84(b)(2)(ii)	The monitoring and operational conditions that would warrant a reevaluation of the area of review prior to the next scheduled reevaluation as determined by the minimum fixed frequency established in paragraph (b)(2)(i) of this section.	§ 20.6.2.5.E.(2)(b)(ii) NMAC	(ii) The monitoring and operational conditions that would warrant a reevaluation of the area of review prior to the next scheduled reevaluation as determined by the minimum fixed frequency established in paragraph (2)(b)(i) of this section.	Similar to CFR	
448	40 CFR 146.84(b)(2)(iii)	How monitoring and operational data (e.g., injection rate and pressure) will be used to inform an area of review reevaluation; and	§ 20.6.2.5.E.(2)(b)(iii) NMAC	(iii) How monitoring and operational data (e.g., injection rate and pressure) will be used to inform an area of review reevaluation; and	Text is identical	
449	40 CFR 146.84(b)(2)(iv)	How corrective action will be conducted to meet the requirements of paragraph (d) of this section, including what corrective action will be performed prior to injection and what, if any, portions of the area of review will have corrective action addressed on a phased basis and how the phasing will be determined; how corrective action will be adjusted if there are changes in the area of review; and how site	§ 20.6.2.5.E.(2)(b)(iv) NMAC	(iv) How corrective action will be conducted to meet the requirements of paragraph (4) of this section, including what corrective action will be performed prior to injection and what, if any, portions of the area of review will have corrective action addressed on a phased basis and how the phasing will be determined; how corrective action will be adjusted if there are changes in the area of review; and how site access will be guaranteed for future corrective action.	Similar to CFR	

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		access will be guaranteed for future corrective action.				
450	40 CFR 146.84(c)	Owners or operators of Class VI wells must perform the following actions to delineate the area of review and identify all wells that require corrective action:	§ 20.6.2.5.E.(3) NMAC	(3) Owners or operators of Class VI wells must perform the following actions to delineate the area of review and identify all wells that require corrective action:	Text is identical	
451	40 CFR 146.84(c)(1)	Predict, using existing site characterization, monitoring and operational data, and computational modeling, the projected lateral and vertical migration of the carbon dioxide plume and formation fluids in the subsurface from the commencement of injection activities until the plume movement ceases, until pressure differentials sufficient to cause the movement of injected fluids or formation fluids into a USDW are no longer present, or until the end of a fixed time period as determined by the Director. The model must:	§ 20.6.2.5.E.(3)(a) NMAC	(a) Predict, using existing site characterization, monitoring and operational data, and computational modeling, the projected lateral and vertical migration of the carbon dioxide plume and formation fluids in the subsurface from the commencement of injection activities until the plume movement ceases, until pressure differentials sufficient to cause the movement of injected fluids or formation fluids into a USDW are no longer present, or until the end of a fixed time period as determined by the Director. The model must:	Text is identical	

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452	40 CFR 146.84(c)(1)(i)	Be based on detailed geologic data collected to characterize the injection zone(s), confining zone(s) and any additional zones; and anticipated operating data, including injection pressures, rates, and total volumes over the proposed life of the geologic sequestration project;	§ 20.6.2.5.E.(3)(a)(i) NMAC	(i) Be based on detailed geologic data collected to characterize the injection zone(s), confining zone(s) and any additional zones; and anticipated operating data, including injection pressures, rates, and total volumes over the proposed life of the geologic sequestration project;	Text is identical	
453	40 CFR 146.84(c)(1)(ii)	Take into account any geologic heterogeneities, other discontinuities, data quality, and their possible impact on model predictions; and	§ 20.6.2.5.E.(3)(a)(ii) NMAC	(ii) Evaluate and incorporate considerations of any geologic heterogeneities, other discontinuities, data quality, and their possible impact on model predictions; and	Similar to CFR	
454	40 CFR 146.84(c)(1)(iii)	Consider potential migration through faults, fractures, and artificial penetrations.	§ 20.6.2.5.E.(3)(a)(iii) NMAC	(iii) Consider potential migration through faults, fractures, and artificial penetrations.	Text is identical	
455	40 CFR 146.84(c)(2)	Using methods approved by the Director, identify all penetrations, including active and abandoned wells and underground mines, in the area of review that may penetrate the confining zone(s). Provide a description of	§ 20.6.2.5.E.(3)(b) NMAC	(b) Using methods approved by the Director, identify all penetrations, including active and abandoned wells and underground mines, in the area of review that may penetrate the confining zone(s). Provide a description of each well's type, construction, date drilled, location, depth, record of	Text is identical	

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		each well's type, construction, date drilled, location, depth, record of plugging and/or completion, and any additional information the Director may require; and		plugging and/or completion, and any additional information the Director may require; and		
456	40 CFR 146.84(c)(3)	Determine which abandoned wells in the area of review have been plugged in a manner that prevents the movement of carbon dioxide or other fluids that may endanger USDWs, including use of materials compatible with the carbon dioxide stream.	§ 20.6.2.5.E.(3)(c) NMAC	(c) Determine which abandoned wells in the area of review have been plugged in a manner that prevents the movement of carbon dioxide or other fluids that may endanger USDWs, including use of materials compatible with the carbon dioxide stream.	Text is identical	
457	40 CFR 146.84(d)	Owners or operators of Class VI wells must perform corrective action on all wells in the area of review that are determined to need corrective action, using methods designed to prevent the movement of fluid into or between USDWs, including use of materials compatible with the carbon dioxide stream, where appropriate.	§ 20.6.2.5.E.(4) NMAC	(4) Owners or operators of Class VI wells must perform corrective action on all wells in the area of review that are determined to need corrective action, using methods designed to prevent the movement of fluid into or between USDWs, including use of materials compatible with the carbon dioxide stream, where appropriate.	Text is identical	
458	40 CFR 146.84(e)	At the minimum fixed frequency, not to exceed	§ 20.6.2.5.E.(5) NMAC	(5) An initial AoR reevaluation shall occur no later than two years	More stringent	

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		five years, as specified in the area of review and corrective action plan, or when monitoring and operational conditions warrant, owners or operators must:		following the commencement of injection operations. This early reevaluation must be used to confirm the accuracy and reliability of predictive modeling results submitted as part of the original permit application. Upon demonstration to the Director, in accordance with § 20.6.2.5.E.(5)(d) NMAC, that the predictive modeling appropriately represents site conditions, AoR reevaluation frequency may be reduced to a minimum of once every four years.		
459	40 CFR 146.84(e)(1)	Reevaluate the area of review in the same manner specified in paragraph (c)(1) of this section;	§ 20.6.2.5.E.(5)(a) NMAC	(a) Reevaluate the area of review in the same manner specified in paragraph (3)(a) and (5) of this section;	More stringent	
460	40 CFR 146.84(e)(2)	Identify all wells in the reevaluated area of review that require corrective action in the same manner specified in paragraph (c) of this section;	§ 20.6.2.5.E.(5)(b) NMAC	(b) Identify all wells in the reevaluated area of review that require corrective action in the same manner specified in paragraph (3) of this section;	Similar to CFR	
461	40 CFR 146.84(e)(3)	Perform corrective action on wells requiring corrective action in the reevaluated area of review in the same manner specified in paragraph (d) of this	§ 20.6.2.5.E.(5)(c) NMAC	(c) Perform corrective action on wells requiring corrective action in the reevaluated area of review in the same manner specified in paragraph (4) of this section; and	Similar to CFR.	

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		section; and				
462	40 CFR 146.84(e)(4)	Submit an amended area of review and corrective action plan or demonstrate to the Director through monitoring data and modeling results that no amendment to the area of review and corrective action plan is needed. Any amendments to the area of review and corrective action plan must be approved by the Director, must be incorporated into the permit, and are subject to the permit modification requirements at 40 CFR 144.39 or 144.41, as appropriate.	§ 20.6.2.5.E.(5)(d) NMAC	(d) Submit an amended area of review and corrective action plan or demonstrate to the Director through monitoring data and modeling results that no amendment to the area of review and corrective action plan is needed. Any amendments to the area of review and corrective action plan must be approved by the Director, must be incorporated into the permit, and are subject to the permit modification requirements at § 144.39 or § 144.41 of this chapter, as appropriate.	Similar to CFR.	
463	40 CFR 146.84(f)	The emergency and remedial response plan (as required by 40 CFR 146.94) and the demonstration of financial responsibility (as described by 40 CFR 146.85) must account for the area of review delineated as specified in paragraph (c)(1) of this section or the most	§ 20.6.2.5.E.(6) NMAC	(6) The emergency and remedial response plan (as required by § 20.6.2.5.O NMAC) and the demonstration of financial responsibility (as described by § 20.6.2.5.F NMAC) must account for the area of review delineated as specified in paragraph (3)(a) of this section or the most recently evaluated area of review delineated under paragraph (5) of this section, regardless of whether	Similar to CFR	

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		recently evaluated area of review delineated under paragraph (e) of this section, regardless of whether or not corrective action in the area of review is phased.		or not corrective action in the area of review is phased.		
464	40 CFR 146.84(g)	All modeling inputs and data used to support area of review reevaluations under paragraph (e) of this section shall be retained for 10 years.	§ 20.6.2.5.E.(7) NMAC	(7) All modeling inputs and data used to support area of review reevaluations under paragraph (5) of this section shall be retained for 10 years <i>after site closure</i> .	More stringent	
40 CFR 146.85 Financial responsibility.						
465	40 CFR 146.85(a)	The owner or operator must demonstrate and maintain financial responsibility as determined by the Director that meets the following conditions:	§ 20.6.2.5.F.(1) NMAC	(1) The financial responsibility instrument(s) used by the owner or operator must be selected from the list of qualifying instruments approved under this section and shall also comply with § 19.15.8.8.B NMAC. All financial assurance documents must be submitted on forms prescribed by, or otherwise acceptable to, the division:	Similar to CFR	
466	40 CFR 146.85(a)(1)	The financial responsibility instrument(s) used must be from the following list of qualifying instruments:	§ 20.6.2.5.F.(1)(a) NMAC	(a) The financial responsibility instrument(s) used must be from the following list of qualifying instruments:	Text is identical	

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467	40 CFR 146.85(a)(1)(i)	Trust Funds	§ 20.6.2.5.F.(1)(a)(i) NMAC	(i) Trust Funds.	Text is identical	
468	40 CFR 146.85(a)(1)(ii)	Surety Bonds	§ 20.6.2.5.F.(1)(a)(ii) NMAC	(ii) Surety Bonds that satisfy all applicable requirements set forth in § 19.15.8.9-10 NMAC.	Similar to CFR	
469	40 CFR 146.85(a)(1)(iii)	Letter of Credit	§ 20.6.2.5.F.(1)(a)(iii) NMAC	(iii) Letter of Credit that satisfies all applicable requirements set forth in § 19.15.8.9 & 19.15.8.11.A-E NMAC.	Similar to CFR	
470	40 CFR 146.85(a)(1)(iv)	Insurance	§ 20.6.2.5.F.(1)(a)(iv) NMAC	(iv) Insurance.	Text is identical	
471	40 CFR 146.85(a)(1)(v)	Self Insurance (i.e., Financial Test and Corporate Guarantee)	§ 20.6.2.5.F.(1)(a)(v) NMAC	(v) Self Insurance (i.e., Financial Test and Corporate Guarantee).	Text is identical	
472	40 CFR 146.85(a)(1)(vi)	Escrow Account	§ 20.6.2.5.F.(1)(a)(vi) NMAC	(vi) Escrow Account adhering to the requirements under § 19.15.8.10.B NMAC.	Similar to CFR	
473	40 CFR 146.85(a)(1)(vii)	Any other instrument(s) satisfactory to the Director	§ 20.6.2.5.F.(1)(a)(vii) NMAC	(vii) Any other instrument(s) satisfactory to the Director.	Text is identical	
474	40 CFR 146.85(a)(2)	The qualifying instrument(s) must be sufficient to cover the cost of:	§ 20.6.2.5.F.(1)(b) NMAC	(b) The qualifying instrument(s) must be sufficient to cover the cost of:	Text is identical	
475	40 CFR 146.85(a)(2)(i)	Corrective action (that meets the requirements of 40 CFR 146.84);	§ 20.6.2.5.F.(1)(b)(i) NMAC	(i) Corrective action (that meets the requirements of § 20.6.2.5.E NMAC);	Similar to CFR	
476	40 CFR 146.85(a)(2)(ii)	Injection well plugging (that meets the requirements of 40 CFR	§ 20.6.2.5.F.(1)(b)(ii) NMAC	(ii) Injection well plugging (that meets the requirements of § 20.6.2.5.M NMAC and all	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		146.92);		additional requirements under §19.15.8.15(C)(1)–(2)(a)–(c) NMAC;		
477	40 CFR 146.85(a)(2)(iii)	Post injection site care and site closure (that meets the requirements of 40 CFR 146.93); and	§ 20.6.2.5.F.(1)(b)(iii) NMAC	(iii) Post injection site care and site closure (that meets the requirements of § 20.6.2.5.N NMAC, all additional requirements under § 19.15.8.15(A)-(G)(1) through (3); and	Similar to CFR	
478	40 CFR 146.85(a)(2)(iv)	Emergency and remedial response (that meets the requirements of 40 CFR 146.94).	§ 20.6.2.5.F.(1)(b)(iv) NMAC	(iv) Emergency and remedial response (that meets the requirements of § 20.6.2.5.O NMAC).	Similar to CFR	
479	40 CFR 146.85(a)(3)	The financial responsibility instrument(s) must be sufficient to address endangerment of underground sources of drinking water.	§ 20.6.2.5.F.(1)(c) NMAC	(c) The financial responsibility instrument(s) must be sufficient to address endangerment of underground sources of drinking water.	Text is identical	
480	40 CFR 146.85(a)(4)	The qualifying financial responsibility instrument(s) must comprise protective conditions of coverage.	§ 20.6.2.5.F.(1)(d) NMAC	(d) The qualifying financial responsibility instrument(s) must comprise protective conditions of coverage.	Text is identical	
481	40 CFR 146.85(a)(4)(i)	Protective conditions of coverage must include at a minimum cancellation, renewal, and continuation	§ 20.6.2.5.F.(1)(d)(i) NMAC	(i) Protective conditions of coverage must include at a minimum cancellation, renewal, and continuation provisions,	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		provisions, specifications on when the provider becomes liable following a notice of cancellation if there is a failure to renew with a new qualifying financial instrument, and requirements for the provider to meet a minimum rating, minimum capitalization, and ability to pass the bond rating when applicable.		specifications on when the provider becomes liable following a notice of cancellation if there is a failure to renew with a new qualifying financial instrument, and requirements for the provider to meet a minimum rating, minimum capitalization, and ability to pass the bond rating when applicable.		
482	40 CFR 146.85(a)(4)(i)(A)	Cancellation – for purposes of this part, an owner or operator must provide that their financial mechanism may not cancel, terminate or fail to renew except for failure to pay such financial instrument. If there is a failure to pay the financial instrument, the financial institution may elect to cancel, terminate, or fail to renew the instrument by sending notice by certified mail to the owner or operator and the Director. The cancellation must not be final for 120 days after	§ 20.6.2.5.F.(1)(d)(i)(A) NMAC	(A) Cancellation – for purposes of this part, an owner or operator must provide that their financial mechanism may not cancel, terminate or fail to renew except for failure to pay such financial instrument. If there is a failure to pay the financial instrument, the financial institution may elect to cancel, terminate, or fail to renew the instrument by sending notice by certified mail to the owner or operator and the Director. The cancellation must not be final for 120 days after receipt of cancellation notice. The owner or operator must provide an alternate financial responsibility demonstration within 60 days of	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		receipt of cancellation notice. The owner or operator must provide an alternate financial responsibility demonstration within 60 days of notice of cancellation, and if an alternate financial responsibility demonstration is not acceptable (or possible), any funds from the instrument being cancelled must be released within 60 days of notification by the Director.		notice of cancellation, and if an alternate financial responsibility demonstration is not acceptable (or possible), any funds from the instrument being cancelled must be released within 60 days of notification by the Director.		
483	40 CFR 146.85(a)(4)(i)(B)	Renewal – for purposes of this part, owners or operators must renew all financial instruments, if an instrument expires, for the entire term of the geologic sequestration project. The instrument may be automatically renewed as long as the owner or operator has the option of renewal at the face amount of the expiring instrument. The automatic renewal of the instrument must, at a	§ 20.6.2.5.F.(1)(d)(i)(B) NMAC	(B) Renewal—for purposes of this part, owners or operators must renew all financial instruments, if an instrument expires, for the entire term of the geologic sequestration project. The instrument may be automatically renewed as long as the owner or operator has the option of renewal at the face amount of the expiring instrument. The automatic renewal of the instrument must, at a minimum, provide the holder with the option of renewal at the face amount of the expiring financial	Text is identical	

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		minimum, provide the holder with the option of renewal at the face amount of the expiring financial instrument.		instrument.		
484	40 CFR 146.85(a)(4)(i)(C)	Cancellation, termination, or failure to renew may not occur and the financial instrument will remain in full force and effect in the event that on or before the date of expiration: the Director deems the facility abandoned; or the permit is terminated or revoked or a new permit is denied; or closure is ordered by the Director or a U.S. district court or other court of competent jurisdiction; or the owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or the amount due is paid.	§ 20.6.2.5.F.(1)(d)(i)(C) NMAC	(C) Cancellation, termination, or failure to renew may not occur and the financial instrument will remain in full force and effect in the event that on or before the date of expiration: The Director deems the facility abandoned; or the permit is terminated or revoked or a new permit is denied; or closure is ordered by the Director or a U.S. district court or other court of competent jurisdiction; or the owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or the amount due is paid.	Text is identical	
485	40 CFR 146.85(a)(5)	The qualifying financial responsibility instrument(s) must be approved by the Director.	§ 20.6.2.5.F.(1)(e) NMAC	(e) The qualifying financial responsibility instrument(s) must be approved by the Director.	Text is identical	
486	40 CFR 146.85(a)(5)(i)	The Director shall consider	§ 20.6.2.5.F.(1)(e)(i)	(i) The Director shall consider	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		and approve the financial responsibility demonstration for all the phases of the geologic sequestration project prior to issue a Class VI permit (40 CFR 146.82).	<i>NMAC</i>	and approve the financial responsibility demonstration for all the phases of the geologic sequestration project prior to issue a Class VI permit (§ 20.6.2.5.C NMAC).		
487	40 CFR 146.85(a)(5)(ii)	The owner or operator must provide any updated information related to their financial responsibility instrument(s) on an annual basis and if there are any changes, the Director must evaluate, within a reasonable time, the financial responsibility demonstration to confirm that the instrument(s) used remain adequate for use. The owner or operator must maintain financial responsibility requirements regardless of the status of the Director's review of the financial responsibility demonstration.	§ 20.6.2.5.F.(1)(e)(ii) <i>NMAC</i>	(ii) The owner or operator must provide any updated information related to their financial responsibility instrument(s) on an annual basis and if there are any changes, the Director must evaluate, within a reasonable time, the financial responsibility demonstration to confirm that the instrument(s) used remain adequate for use. The owner or operator must maintain financial responsibility requirements regardless of the status of the Director's review of the financial responsibility demonstration.	Text is identical	
488	40 CFR 146.85(a)(5)(iii)	The Director may disapprove the use of a financial instrument if he determines that it is not sufficient to meet the	§ 20.6.2.5.F.(1)(e)(iii) <i>NMAC</i>	(iii) The Director may disapprove the use of a financial instrument if he determines that it is not sufficient to meet the requirements of this section	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		requirements of this section.				
489	40 CFR 146.85(a)(6)	The owner or operator may demonstrate financial responsibility by using one or multiple qualifying financial instruments for specific phases of the geologic sequestration project.	§ 20.6.2.5.F.(1)(f) NMAC	(f) The owner or operator may demonstrate financial responsibility by using one or multiple qualifying financial instruments for specific phases of the geologic sequestration project.	Text is identical	
490	40 CFR 146.85(a)(6)(i)	In the event that the owner or operator combines more than one instrument for a specific geologic sequestration phase (e.g., well plugging), such combination must be limited to instruments that are not based on financial strength or performance (i.e., self insurance or performance bond), for example trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, escrow account, and insurance. In this case, it is the combination of mechanisms, rather than the single mechanism, which must provide	§ 20.6.2.5.F.(1)(f)(i) NMAC	(i) In the event that the owner or operator combines more than one instrument for a specific geologic sequestration phase (e.g., well plugging), such combination must be limited to instruments that are not based on financial strength or performance (i.e., self insurance or performance bond), for example trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, escrow account, and insurance. In this case, it is the combination of mechanisms, rather than the single mechanism, which must provide financial responsibility for an amount at least equal to the current cost estimate.	Text is identical	

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		financial responsibility for an amount at least equal to the current cost estimate.				
491	40 CFR 146.85(a)(6)(ii)	When using a third-party instrument to demonstrate financial responsibility, the owner or operator must provide a proof that the third-party providers either have passed financial strength requirements based on credit ratings; or has met a minimum rating, minimum capitalization, and ability to pass the bond rating when applicable.	§ 20.6.2.5.F.(1)(f)(ii) NMAC	(ii) When using a third-party instrument to demonstrate financial responsibility, the owner or operator must provide a proof that the third-party providers either have passed financial strength requirements based on credit ratings; or has met a minimum rating, minimum capitalization, and ability to pass the bond rating when applicable.	Text is identical	
492	40 CFR 146.85(a)(6)(iii)	An owner or operator using certain types of third-party instruments must establish a standby trust to enable EPA to be party to the financial responsibility agreement without EPA being the beneficiary of any funds. The standby trust fund must be used along with other financial responsibility instruments (e.g., surety bonds, letters of credit, or escrow	§ 20.6.2.5.F.(1)(f)(iii) NMAC	(iii) An owner or operator using certain types of third-party instruments must establish a standby trust to enable the Oil Conservation Division to be party to the financial responsibility agreement without being the beneficiary of any funds. The standby trust fund must be used along with other financial responsibility instruments (e.g., surety bonds, letters of credit, or escrow accounts) to provide a location to place funds if needed.	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		accounts) to provide a location to place funds if needed.				
493	40 CFR 146.85(a)(6)(iv)	An owner or operator may deposit money to an escrow account to cover financial responsibility requirements; this account must segregate funds sufficient to cover estimated costs for Class VI (geologic sequestration) financial responsibility from other accounts and uses.	§ 20.6.2.5.F.(1)(f)(iv) NMAC	(iv) An owner or operator may deposit money to an escrow account to cover financial responsibility requirements; this account must segregate funds sufficient to cover estimated costs for Class VI (geologic sequestration) financial responsibility from other accounts and uses.	Text is identical	
494	40 CFR 146.85(a)(6)(v)	An owner or operator or its guarantor may use self insurance to demonstrate financial responsibility for geologic sequestration projects. In order to satisfy this requirement the owner or operator must meet a Tangible Net Worth of an amount approved by the Director, have a Net working capital and tangible net worth each at least six times the sum of the current well plugging, post injection site care and site closure cost, have	§ 20.6.2.5.F.(1)(f)(v) NMAC	(v) An owner or operator or its guarantor may use self insurance to demonstrate financial responsibility for geologic sequestration projects. In order to satisfy this requirement the owner or operator must meet a Tangible Net Worth of an amount approved by the Director, have a Net working capital and tangible net worth each at least six times the sum of the current well plugging, post injection site care and site closure cost, have assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current well plugging, post injection site care and site closure cost, and must submit a report of its bond rating and financial information annually. In addition the owner or operator must either: have a bond rating test of AAA, AA, A, or BBB as issued by Standard & Poor's or Aaa, Aa, A, or Baa as issued by Moody's; or meet all of the following five financial ratio thresholds: a ratio of total liabilities to net worth less than 2.0; a ratio of current assets to current liabilities greater than 1.5; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; a ratio of current assets minus current liabilities to total assets greater than - 0.1; and a net		current well plugging, post injection site care and site closure cost, and must submit a report of its bond rating and financial information annually. In addition the owner or operator must either: Have a bond rating test of AAA, AA, A, or BBB as issued by Standard & Poor's or Aaa, Aa, A, or Baa as issued by Moody's; or meet all of the following five financial ratio thresholds: A ratio of total liabilities to net worth less than 2.0; a ratio of current assets to current liabilities greater than 1.5; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; A ratio of current assets minus current liabilities to total assets greater than -0.1; and a net profit (revenues minus expenses) greater than 0.		

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		profit (revenues minus expenses) greater than 0.				
495	40 CFR 146.85(a)(6)(vi)	An owner or operator who is not able to meet corporate financial test criteria may arrange a corporate guarantee by demonstrating that its corporate parent meets the financial test requirements on its behalf. The parent's demonstration that it meets the financial test requirement is insufficient if it has not also guaranteed to fulfill the obligations for the owner or operator.	§ 20.6.2.5.F.(1)(f)(vi) NMAC	(vi) An owner or operator who is not able to meet corporate financial test criteria may arrange a corporate guarantee by demonstrating that its corporate parent meets the financial test requirements on its behalf. The parent's demonstration that it meets the financial test requirement is insufficient if it has not also guaranteed to fulfill the obligations for the owner or operator.	Text is identical	
496	40 CFR 146.85(a)(6)(vii)	An owner or operator may obtain an insurance policy to cover the estimated costs of geologic sequestration activities requiring financial responsibility. This insurance policy must be obtained from a third party provider.	§ 20.6.2.5.F.(1)(f)(vii) NMAC	(vii) An owner or operator may obtain an insurance policy to cover the estimated costs of geologic sequestration activities requiring financial responsibility. This insurance policy must be obtained from a third party provider.	Text is identical	
497	40 CFR 146.85(b)	The requirement to maintain adequate financial responsibility and resources is directly	§ 20.6.2.5.F.(2) NMAC	(2) The requirement to maintain adequate financial responsibility and resources is directly enforceable regardless of whether	Text is identical	

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		enforceable regardless of whether the requirement is a condition of the permit.		the requirement is a condition of the permit.		
498	40 CFR 146.85(b)(1)	The owner or operator must maintain financial responsibility and resources until:	§ 20.6.2.5.F.(2)(a) NMAC	(a) The owner or operator must maintain financial responsibility and resources until:	Text is identical	
499	40 CFR 146.85(b)(1)(i)	The Director receives and approves the completed post- injection site care and site closure plan; and	§ 20.6.2.5.F.(2)(a)(i) NMAC	(i) The Director receives and approves the completed post-injection site care and site closure plan; and	Text is identical	
500	40 CFR 146.85(b)(1)(ii)	The Director approves site closure.	§ 20.6.2.5.F.(2)(a)(ii) NMAC	(ii) The Director approves site closure.	Text is identical	
501	40 CFR 146.85(b)(2)	The owner or operator may be released from a financial instrument in the following circumstances:	§ 20.6.2.5.F.(2)(b) NMAC	(b) The owner or operator may be released from a financial instrument in the following circumstances:	Text is identical	
502	40 CFR 146.85(b)(2)(i)	The owner or operator has completed the phase of the geologic sequestration project for which the financial instrument was required and has fulfilled all its financial obligations as determined by the Director, including obtaining financial responsibility for the next phase of the GS project, if required; or	§ 20.6.2.5.F.(2)(b)(i) NMAC	(i) The owner or operator has completed the phase of the geologic sequestration project for which the financial instrument was required and has fulfilled all its financial obligations as determined by the Director, including obtaining financial responsibility for the next phase of the GS project. As set forth in § 19.15.8.12.A NMAC, the division shall release a financial assurance document upon the operator's or	More Stringent	

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				surety's written request if all wells drilled or acquired under that financial assurance have been plugged and abandoned and the location restored and remediated and released pursuant to § 20.6.2.5.M NMAC, § 19.15.25.9 NMAC through § 19.15.25.11 NMAC; or		
503	40 CFR 146.85(b)(2)(ii)	The owner or operator has submitted a replacement financial instrument and received written approval from the Director accepting the new financial instrument and releasing the owner or operator from the previous financial instrument.	§ 20.6.2.5.F.(2)(b)(ii) NMAC	(ii) The owner or operator has submitted a replacement financial instrument and received written approval from the Director accepting the new financial instrument and releasing the owner or operator from the previous financial instrument.	Text is identical	
504	40 CFR 146.85(c)	The owner or operator must have a detailed written estimate, in current dollars, of the cost of performing corrective action on wells in the area of review, plugging the injection well(s), post-injection site care and site closure, and emergency and remedial response.	§ 20.6.2.5.F.(3) NMAC	(3) The owner or operator must have a detailed written estimate, in current dollars, of the cost of performing corrective action on wells in the area of review, plugging the injection well(s), post-injection site care and site closure, and emergency and remedial response.	Text is identical	
505	40 CFR 146.85(c)(1)	The cost estimate must be	§ 20.6.2.5.F.(3)(a)	(a) The cost estimate must be	Text is identical	

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		performed for each phase separately and must be based on the costs to the regulatory agency of hiring a third party to perform the required activities. A third party is a party who is not within the corporate structure of the owner or operator.	<i>NMAC</i>	performed for each phase separately and must be based on the costs to the regulatory agency of hiring a third party to perform the required activities. A third party is a party who is not within the corporate structure of the owner or operator.		
506	40 CFR 146.85(c)(2)	During the active life of the geologic sequestration project, the owner or operator must adjust the cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with paragraph (a) of this section and provide this adjustment to the Director. The owner or operator must also provide to the Director written updates of adjustments to the cost estimate within 60 days of any amendments to the area of review and corrective action plan (40 CFR 146.84), the injection	§ 20.6.2.5.F.(3)(b) <i>NMAC</i>	(b) During the active life of the geologic sequestration project, the owner or operator must adjust the cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with paragraph (1) of this section and provide this adjustment to the Director. The owner or operator must also provide to the Director written updates of adjustments to the cost estimate within 60 days of any amendments to the area of review and corrective action plan (§ 20.6.2.5.E NMAC), the injection well plugging plan (§ 20.6.2.5.M NMAC), the post-injection site care and site closure plan (§ 20.6.2.5.N NMAC), and the emergency and remedial response	Similar to CFR	

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		well plugging plan (146.92), the post-injection site care and site closure plan (40 CFR 146.93), and the emergency and remedial response plan (40 CFR 146.94).		plan (§ 20.6.2.5.O NMAC).		
507	40 CFR 146.85(c)(3)	The Director must approve any decrease or increase to the initial cost estimate. During the active life of the geologic sequestration project, the owner or operator must revise the cost estimate no later than 60 days after the Director has approved the request to modify the area of review and corrective action plan (40 CFR 146.84), the injection well plugging plan (40 CFR 146.92), the post-injection site care and site closure plan (40 CFR 146.93), and the emergency and response plan (40 CFR 146.94), if the change in the plan increases the cost. If the change to the plans decreases the cost, any withdrawal of funds must	§ 20.6.2.5.F.(3)(c) NMAC	(c) The Director must approve any decrease or increase to the initial cost estimate. During the active life of the geologic sequestration project, the owner or operator must revise the cost estimate no later than 60 days after the Director has approved the request to modify the area of review and corrective action plan (§ 20.6.2.5.E NMAC), the injection well plugging plan (§ 20.6.2.5.M NMAC), the post-injection site care and site closure plan (§ 20.6.2.5.N NMAC), and the emergency and response plan (§ 20.6.2.5.O NMAC), if the change in the plan increases the cost. If the change to the plans decreases the cost, any withdrawal of funds must be approved by the Director. Any decrease to the value of the financial assurance instrument must first be approved by the Director. The revised cost	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		be approved by the Director. Any decrease to the value of the financial assurance instrument must first be approved by the Director. The revised cost estimate must be adjusted for inflation as specified at paragraph (c)(2) of this section.		estimate must be adjusted for inflation as specified at paragraph (3)(b) of this section.		
508	40 CFR 146.85(c)(4)	Whenever the current cost estimate increases to an amount greater than the face amount of a financial instrument currently in use, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the Director, or obtain other financial responsibility instruments to cover the increase. Whenever the current cost estimate decreases, the face amount of the financial assurance instrument may be	§ 20.6.2.5.F.(3)(d) NMAC	(d) Whenever the current cost estimate increases to an amount greater than the face amount of a financial instrument currently in use, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the Director, or obtain other financial responsibility instruments to cover the increase. Whenever the current cost estimate decreases, the face amount of the financial assurance instrument may be reduced to the amount of the current cost estimate only after the owner or operator has received written approval from the Director.	Text is identical	

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		reduced to the amount of the current cost estimate only after the owner or operator has received written approval from the Director.				
509	40 CFR 146.85(d)	The owner or operator must notify the Director by certified mail of adverse financial conditions such as bankruptcy that may affect the ability to carry out injection well plugging and post-injection site care and site closure.	§ 20.6.2.5.F.(4) NMAC	(4) The owner or operator must notify the Director by certified mail of adverse financial conditions such as bankruptcy that may affect the ability to carry out injection well plugging and post-injection site care and site closure.	Text is identical	
510	40 CFR 146.85(d)(1)	In the event that the owner or operator or the third party provider of a financial responsibility instrument is going through a bankruptcy, the owner or operator must notify the Director by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within	§ 20.6.2.5.F.(4)(a) NMAC	(a) In the event that the owner or operator or the third party provider of a financial responsibility instrument is going through a bankruptcy, the owner or operator must notify the Director by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding.	Text is identical	

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		10 days after commencement of the proceeding.				
511	40 CFR 146.85(d)(2)	A guarantor of a corporate guarantee must make such a notification to the Director if he/she is named as debtor, as required under the terms of the corporate guarantee.	§ 20.6.2.5.F.(4)(b) NMAC	(b) A guarantor of a corporate guarantee must make such a notification to the Director if he/she is named as debtor, as required under the terms of the corporate guarantee.	Text is identical	
512	40 CFR 146.85(d)(3)	An owner or operator who fulfills the requirements of paragraph (a) of this section by obtaining a trust fund, surety bond, letter of credit, escrow account, or insurance policy will be deemed to be without the required financial assurance in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee of the institution issuing the trust fund, surety bond, letter of credit, escrow account, or insurance policy. The owner or operator must	§ 20.6.2.5.F.(4)(c) NMAC	(c) An owner or operator who fulfills the requirements of paragraph (1) of this section by obtaining a trust fund, surety bond, letter of credit, escrow account, or insurance policy will be deemed to be without the required financial assurance in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee of the institution issuing the trust fund, surety bond, letter of credit, escrow account, or insurance policy. The owner or operator must establish other financial assurance within 60 days after such an event.	Similar to CFR	

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		establish other financial assurance within 60 days after such an event.				
513	40 CFR 146.85(e)	The owner or operator must provide an adjustment of the cost estimate to the Director within 60 days of notification by the Director, if the Director determines during the annual evaluation of the qualifying financial responsibility instrument(s) that the most recent demonstration is no longer adequate to cover the cost of corrective action (as required by 40 CFR 146.84), injection well plugging (as required by 40 CFR 146.92), post-injection site care and site closure (as required by 40 CFR 146.93), and emergency and remedial response (as required by 40 CFR 146.94).	§ 20.6.2.5.F.(5) NMAC	(5) The owner or operator must provide an adjustment of the cost estimate to the Director within 60 days of notification by the Director, if the Director determines during the annual evaluation of the qualifying financial responsibility instrument(s) that the most recent demonstration is no longer adequate to cover the cost of corrective action (as required by § 20.6.2.5.E NMAC), injection well plugging (as required by § 20.6.2.5.M NMAC), post-injection site care and site closure (as required by § 20.6.2.5.N NMAC), and emergency and remedial response (as required by § 20.6.2.5.O NMAC).	Similar to CFR	
514	40 CFR 146.85(f)	The Director must approve the use and length of pay-in- periods for trust funds or escrow accounts.	§ 20.6.2.5.F.(6) NMAC	(6) The Director must approve the use and length of pay-in- periods for trust funds or escrow accounts.	Text is identical	

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40 CFR 146.86 Injection well construction requirements						
515	40 CFR 146.86(a)	<i>General.</i> The owner or operator must ensure that all Class VI wells are constructed and completed to:	§ 20.6.2.5.G.(1) <i>NMAC</i>	(1) <i>General.</i> The owner or operator must ensure that all Class VI wells are constructed and completed to:	Text is identical	
516	40 CFR 146.86(a)(1)	Prevent the movement of fluids into or between USDWs or into any unauthorized zones;	§ 20.6.2.5.G.(1)(a) <i>NMAC</i>	(a) Prevent the movement of fluids into or between USDWs or into any unauthorized zones;	Text is identical	
517	40 CFR 146.86(a)(2)	Permit the use of appropriate testing devices and workover tools; and	§ 20.6.2.5.G.(1)(b) <i>NMAC</i>	(b) Permit the use of appropriate testing devices and workover tools; and	Text is identical	
518	40 CFR 146.86(a)(3)	Permit continuous monitoring of the annulus space between the injection tubing and long string casing.	§ 20.6.2.5.G.(1)(c) <i>NMAC</i>	(c) Permit continuous monitoring of the annulus space between the injection tubing and long string casing.	Text is identical	
519	40 CFR 146.86(b)	<i>Casing and Cementing of Class VI Wells.</i>	§ 20.6.2.5.G.(2) <i>NMAC</i>	(2) <i>Casing and cementing of Class VI wells.</i>	Text is identical	
520	40 CFR 146.86(b)(1)	Casing and cement or other materials used in the construction of each Class VI well must have sufficient structural strength and be designed for the life of the geologic sequestration project. All well materials must be	§ 20.6.2.5.G.(2)(a) <i>NMAC</i>	(a) Casing and cement or other materials used in the construction of each Class VI well must have sufficient structural strength and be designed for the life of the geologic sequestration project. All well materials must be compatible with fluids with which the materials may be expected to	Text is identical	

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		compatible with fluids with which the materials may be expected to come into contact and must meet or exceed standards developed for such materials by the American Petroleum Institute, ASTM International, or comparable standards acceptable to the Director. The casing and cementing program must be designed to prevent the movement of fluids into or between USDWs. In order to allow the Director to determine and specify casing and cementing requirements, the owner or operator must provide the following information:		come into contact and must meet or exceed standards developed for such materials by the American Petroleum Institute, ASTM International, or comparable standards acceptable to the Director. The casing and cementing program must be designed to prevent the movement of fluids into or between USDWs. In order to allow the Director to determine and specify casing and cementing requirements, the owner or operator must provide the following information:		
521	40 CFR 146.86(b)(1)(i)	Depth to the injection zone(s);	§ 20.6.2.5.G.(2)(a)(i) NMAC	(i) Depth to the injection zone(s);	Text is identical	
522	40 CFR 146.86(b)(1)(ii)	Injection pressure, external pressure, internal pressure, and axial loading;	§ 20.6.2.5.G.(2)(a)(ii) NMAC	(ii) Injection pressure, external pressure, internal pressure, and axial loading;	Text is identical	
523	40 CFR 146.86(b)(1)(iii)	Hole size;	§ 20.6.2.5.G.(2)(a)(iii) NMAC	(iii) Hole size;	Text is identical	
524	40 CFR 146.86(b)(1)(iv)	Size and grade of all casing strings (wall thickness,	§ 20.6.2.5.G.(2)(a)(iv)	(iv) Size and grade of all casing	Text is identical	

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		external diameter, nominal weight, length, joint specification, and construction material);	<i>NMAC</i>	strings (wall thickness, external diameter, nominal weight, length, joint specification, and construction material);		
525	40 CFR 146.86(b)(1)(v)	Corrosiveness of the carbon dioxide stream and formation fluids;	§ 20.6.2.5.G.(2)(a)(v) <i>NMAC</i>	(v) Corrosiveness of the carbon dioxide stream and formation fluids;	Text is identical	
526	40 CFR 146.86(b)(1)(vi)	Down-hole temperatures;	§ 20.6.2.5.G.(2)(a)(vi) <i>NMAC</i>	(vi) Down-hole temperatures;	Text is identical	
527	40 CFR 146.86(b)(1)(vii)	Lithology of injection and confining zone(s);	§ 20.6.2.5.G.(2)(a)(vii) <i>NMAC</i>	(vii) Lithology of injection and confining zone(s);	Text is identical	
528	40 CFR 146.86(b)(1)(viii)	Type or grade of cement and cement additives; and	§ 20.6.2.5.G.(2)(a)(viii) <i>NMAC</i>	(viii) the specified cement type or grade, including all proposed additives, as well as the anticipated slurry density (lb/gal) and volumetric yield (cu ft/sack); and;	More stringent	
529	40 CFR 146.86(b)(1)(ix)	Quantity, chemical composition, and temperature of the carbon dioxide stream.	§ 20.6.2.5.G.(2)(a)(ix) <i>NMAC</i>	(ix) Quantity, chemical composition, and temperature of the carbon dioxide stream.	Text is identical	
530	40 CFR 146.86(b)(2)	Surface casing must extend through the base of the lowermost USDW and be cemented to the surface through the use of a single or multiple strings of casing and cement.	§ 20.6.2.5.G.(2)(b) <i>NMAC</i>	(b) Surface casing must extend through the base of the lowermost USDW and be cemented to the surface through the use of a single or multiple strings of casing and cement.	Text is identical	
531	40 CFR	At least one long string	§ 20.6.2.5.G.(2)(c)	(c) At least one long string	Text is identical	

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	146.86(b)(3)	casing, using a sufficient number of centralizers, must extend to the injection zone and must be cemented by circulating cement to the surface in one or more stages.	<i>NMAC</i>	casing, using a sufficient number of centralizers, must extend to the injection zone and must be cemented by circulating cement to the surface in one or more stages.		
532	40 CFR 146.86(b)(4)	Circulation of cement may be accomplished by staging. The Director may approve an alternative method of cementing in cases where the cement cannot be recirculated to the surface, provided the owner or operator can demonstrate by using logs that the cement does not allow fluid movement behind the well bore.	§ 20.6.2.5.G.(2)(d) <i>NMAC</i>	(d) Circulation of cement may be accomplished by staging. The Director may approve an alternative method of cementing in cases where the cement cannot be recirculated to the surface, provided the owner or operator can demonstrate by using logs that the cement does not allow fluid movement behind the well bore.	Text is identical	
533	40 CFR 146.86(b)(5)	Cement and cement additives must be compatible with the carbon dioxide stream and formation fluids and of sufficient quality and quantity to maintain integrity over the design life of the geologic sequestration project. The integrity and location of the cement shall be	§ 20.6.2.5.G.(2)(e) <i>NMAC</i>	(e) Cement and cement additives must be compatible with the carbon dioxide stream and formation fluids and of sufficient quality and quantity to maintain integrity over the design life of the geologic sequestration project. The integrity and location of the cement shall be verified using technology capable of evaluating cement quality radially and identifying the location of	Text is identical	

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		verified using technology capable of evaluating cement quality radially and identifying the location of channels to ensure that USDWs are not endangered.		channels to ensure that USDWs are not endangered.		
534	40 CFR 146.86(c)	<i>Tubing and packer.</i>	§ 20.6.2.5.G.(3) <i>NMAC</i>	(3) <i>Tubing and packer.</i>	Text is identical	
535	40 CFR 146.86(c)(1)	Tubing and packer materials used in the construction of each Class VI well must be compatible with fluids with which the materials may be expected to come into contact and must meet or exceed standards developed for such materials by the American Petroleum Institute, ASTM International, or comparable standards acceptable to the Director.	§ 20.6.2.5.G.(3)(a) <i>NMAC</i>	(a) Tubing and packer materials used in the construction of each Class VI well must be compatible with fluids with which the materials may be expected to come into contact and must meet or exceed standards developed for such materials by the American Petroleum Institute, ASTM International, or comparable standards acceptable to the Director.	Text is identical	
536	40 CFR 146.86(c)(2)	All owners or operators of Class VI wells must inject fluids through tubing with a packer set at a depth opposite a cemented interval at the location approved by the Director.	§ 20.6.2.5.G.(3)(b) <i>NMAC</i>	(b) All owners or operators of Class VI wells must inject fluids through tubing with a packer set at a depth opposite a cemented interval at the location approved by the Director.	Text is identical	
537	40 CFR 146.86(c)(3)	In order for the Director to	§ 20.6.2.5.G.(3)(c)	(c) In order for the Director to	Text is identical	

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		determine and specify requirements for tubing and packer, the owner or operator must submit the following information:	<i>NMAC</i>	determine and specify requirements for tubing and packer, the owner or operator must submit the following information:		
538	40 CFR 146.86(c)(3)(i)	Depth of setting;	§ 20.6.2.5.G.(3)(c)(i) <i>NMAC</i>	(i) Depth of setting;	Text is identical	
539	40 CFR 146.86(c)(3)(ii)	Characteristics of the carbon dioxide stream (chemical content, corrosiveness, temperature, and density) and formation fluids;	§ 20.6.2.5.G.(3)(c)(ii) <i>NMAC</i>	(ii) Characteristics of the carbon dioxide stream (chemical content, corrosiveness, temperature, and density) and formation fluids;	Text is identical	
540	40 CFR 146.86(c)(3)(iii)	Maximum proposed injection pressure;	§ 20.6.2.5.G.(3)(c)(iii) <i>NMAC</i>	(iii) Maximum proposed injection pressure;	Text is identical	
541	40 CFR 146.86(c)(3)(iv)	Maximum proposed annular pressure;	§ 20.6.2.5.G.(3)(c)(iv) <i>NMAC</i>	(iv) Maximum proposed annular pressure;	Text is identical	
542	40 CFR 146.86(c)(3)(v)	Proposed injection rate (intermittent or continuous) and volume and/or mass of the carbon dioxide stream;	§ 20.6.2.5.G.(3)(c)(v) <i>NMAC</i>	(v) Proposed injection rate (intermittent or continuous) and volume and/or mass of the carbon dioxide stream;	Text is identical	
543	40 CFR 146.86(c)(3)(vi)	Size of tubing and casing; and	§ 20.6.2.5.G.(3)(c)(vi) <i>NMAC</i>	(vi) Size of tubing and casing; and	Text is identical	
544	40 CFR 146.86(c)(3)(vii)	Tubing tensile, burst, and collapse strengths.	§ 20.6.2.5.G.(3)(c)(vii) <i>NMAC</i>	(vii) Tubing tensile, burst, and collapse strengths.	Text is identical	
40 CFR 146.87 Logging, sampling, and testing prior to injection well operation.						
545	40 CFR 146.87(a)	During the drilling and construction of a Class VI injection well, the owner	§ 20.6.2.5.H.(1) <i>NMAC</i>	(1) During the drilling and construction of a Class VI injection well, the owner or	More stringent	

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		or operator must run appropriate logs, surveys and tests to determine or verify the depth, thickness, porosity, permeability, and lithology of, and the salinity of any formation fluids in all relevant geologic formations to ensure conformance with the injection well construction requirements under 40 CFR 146.86 and to establish accurate baseline data against which future measurements may be compared. The owner or operator must submit to the Director a descriptive report prepared by a knowledgeable log analyst that includes an interpretation of the results of such logs and tests. At a minimum, such logs and tests must include:		operator must run appropriate logs, surveys and tests to determine or verify the depth, thickness, porosity, permeability, and lithology of, and the salinity of any formation fluids in all relevant geologic formations to ensure conformance with the injection well construction requirements under § 20.6.2.5.G NMAC and to establish accurate baseline data against which future measurements may be compared. In order to obtain approval for injection, the owner or operator must submit the appropriate forms to the Director along with all required attachments including a descriptive report prepared by a knowledgeable log analyst that includes an interpretation of the results of such logs and tests. At a minimum, such logs and tests must include:		
546	40 CFR 146.87(a)(1)	Deviation checks during drilling on all holes constructed by drilling a	§ 20.6.2.5.H.(1)(a) NMAC	(a) Deviation checks during drilling on all holes constructed by drilling a pilot hole which is	Similar to CFR	

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		pilot hole which is enlarged by reaming or another method. Such checks must be at sufficiently frequent intervals to determine the location of the borehole and to ensure that vertical avenues for fluid movement in the form of diverging holes are not created during drilling; and		enlarged by reaming or another method. Such checks must be at sufficiently frequent intervals to determine <i>the deviation from the original pilot hole</i> to ensure that vertical avenues for fluid movement in the form of diverging holes are not created during drilling; and		
547	40 CFR 146.87(a)(2)	Before and upon installation of the surface casing:	§ 20.6.2.5.H.(1)(b) NMAC	(b) Before and upon installation of the surface casing:	Text is identical	
548	40 CFR 146.87(a)(2)(i)	Resistivity, spontaneous potential, and caliper logs before the casing is installed; and	§ 20.6.2.5.H.(1)(b)(i) NMAC	(i) <i>Gamma ray</i> , resistivity, spontaneous potential, and caliper logs before the casing is installed; and	More stringent	
549	40 CFR 146.87(a)(2)(ii)	A cement bond and variable density log to evaluate cement quality radially, and a temperature log after the casing is set and cemented.	§ 20.6.2.5.H.(1)(b)(ii) NMAC	(ii) A cement bond and variable density log to evaluate cement quality radially, and a temperature log after the casing is set and cemented.	Text is identical	
550	40 CFR 146.87(a)(3)	Before and upon installation of the long string casing:	§ 20.6.2.5.H.(1)(c) NMAC	(c) Before and upon installation of the long string casing:	Text is identical	
551	40 CFR 146.87(a)(3)(i)	Resistivity, spontaneous potential, porosity, caliper, gamma ray, fracture finder logs, and any other logs the Director requires for	§ 20.6.2.5.H.(1)(c)(i) NMAC	(i) Gamma ray, resistivity, spontaneous potential, porosity, caliper, fracture finder logs, and any other logs the Director requires for the given geology	Similar to CFR	

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		the given geology before the casing is installed; and		before the casing is installed; and		
552	40 CFR 146.87(a)(3)(ii)	A cement bond and variable density log, and a temperature log after the casing is set and cemented.	§ 20.6.2.5.H.(1)(c)(ii) NMAC	(ii) A cement bond and variable density log, and a temperature log after the casing is set and cemented.	Text is identical	
553	40 CFR 146.87(a)(4)	A series of tests designed to demonstrate the internal and external mechanical integrity of injection wells, which may include:	§ 20.6.2.5.H.(1)(d) NMAC	(d) A series of tests designed to demonstrate the internal and external mechanical integrity of injection wells, which may include:	Text is identical	
554	40 CFR 146.87(a)(4)(i)	A pressure test with liquid or gas;	§ 20.6.2.5.H.(1)(d)(i) NMAC	(i) A pressure test with liquid or gas;	Text is identical	
555	40 CFR 146.87(a)(4)(ii)	A tracer survey such as oxygen-activation logging;	§ 20.6.2.5.H.(1)(d)(ii) NMAC	(ii) A tracer survey such as oxygen-activation logging;	Text is identical	
556	40 CFR 146.87(a)(4)(iii)	A temperature or noise log;	§ 20.6.2.5.H.(1)(d)(iii) NMAC	(iii) A temperature or noise log;	Text is identical	
557	40 CFR 146.87(a)(4)(iv)	A casing inspection log; and	§ 20.6.2.5.H.(1)(d)(iv) NMAC	(iv) A casing inspection log; and	Text is identical	
558	40 CFR 146.87(a)(5)	Any alternative methods that provide equivalent or better information and that are required by and/or approved of by the Director.	§ 20.6.2.5.H.(1)(e) NMAC	(e) Any alternative methods that provide equivalent or better information and that are required by and/or approved of by the Director.	Text is identical	
559	40 CFR 146.87(b)	The owner or operator	§ 20.6.2.5.H.(2)	(2) The owner or operator must	Text is identical	

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		must take whole cores or sidewall cores of the injection zone and confining system and formation fluid samples from the injection zone(s), and must submit to the Director a detailed report prepared by a log analyst that includes: well log analyses (including well logs), core analyses, and formation fluid sample information. The Director may accept information on cores from nearby wells if the owner or operator can demonstrate that core retrieval is not possible and that such cores are representative of conditions at the well. The Director may require the owner or operator to core other formations in the borehole.	<i>NMAC</i>	take whole cores or sidewall cores of the injection zone and confining system and formation fluid samples from the injection zone(s), and must submit to the Director a detailed report prepared by a log analyst that includes: well log analyses (including well logs), core analyses, and formation fluid sample information. The Director may accept information on cores from nearby wells if the owner or operator can demonstrate that core retrieval is not possible and that such cores are representative of conditions at the well. The Director may require the owner or operator to core other formations in the borehole.		
560	40 CFR 146.87(c)	The owner or operator must record the fluid temperature, pH, conductivity, reservoir pressure, and static fluid level of the injection	§ 20.6.2.5.H.(3) <i>NMAC</i>	(3) The owner or operator must record the fluid temperature, pH, conductivity, reservoir pressure, and static fluid level of the injection zone(s)	Text is identical	

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		zone(s).				
561	40 CFR 146.87(d)	At a minimum, the owner or operator must determine or calculate the following information concerning the injection and confining zone(s):	20.6.2.5.H.(4) NMAC	(4) At a minimum, the owner or operator must determine or calculate the following information concerning the injection and confining zone(s):	Text is identical	
562	40 CFR 146.87(d)(1)	Fracture pressure;	20.6.2.5.H.(4)(a) NMAC	(a) Fracture pressure;	Text is identical	
563	40 CFR 146.87(d)(2)	Other physical and chemical characteristics of the injection and confining zone(s); and	20.6.2.5.H.(4)(b) NMAC	(b) Other physical and chemical characteristics of the injection and confining zone(s); and	Text is identical	
564	40 CFR 146.87(d)(3)	Physical and chemical characteristics of the formation fluids in the injection zone(s).	20.6.2.5.H.(4)(c) NMAC	(c) Physical and chemical characteristics of the formation fluids in the injection zone(s).	Text is identical	
565	40 CFR 146.87(e)	Upon completion, but prior to operation, the owner or operator must conduct the following tests to verify hydrogeologic characteristics of the injection zone(s):	20.6.2.5.H.(5) NMAC	(5) Upon completion, but prior to operation, the owner or operator must conduct the following tests to verify hydrogeologic characteristics of the injection zone(s):	Text is identical	
566	40 CFR 146.87(e)(1)	A pressure fall-off test; and,	20.6.2.5.H.(5)(a) NMAC	(a) A pressure fall-off test; and,	Text is identical	
567	40 CFR 146.87(e)(2)	A pump test; or	20.6.2.5.H.(5)(b) NMAC	(b) A pump test; or	Text is identical	
568	40 CFR 146.87(e)(3)	Injectivity tests.	20.6.2.5.H.(5)(c) NMAC	(c) Injectivity tests.	Text is identical	
569	40 CFR 146.87(f)	The owner or operator must provide the Director	20.6.2.5.H.(6) NMAC	(6) The operator shall provide the Division with the opportunity to	More stringent	

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		with the opportunity to witness all logging and testing by this subpart. The owner or operator must submit a schedule of such activities to the Director 30 days prior to conducting the first test and submit any changes to the schedule 30 days prior to the next scheduled test.		witness all planned well workovers, stimulation activities and any testing or logging operations. A proposed schedule of these activities must be submitted to the Division no less than 30 days prior to the commencement of the first such activity. Additionally, the operator must provide 48 hours advance notice before initiating any specific activity for OCD personnel to witness. No activity may begin before the 30 day review period has concluded unless prior written authorization is granted by the Director.		
40 CFR 146.88 Injection well operating requirements.						
570	40 CFR 146.88(a)	Except during stimulation, the owner or operator must ensure that injection pressure does not exceed 90 percent of the fracture pressure of the injection zone(s) so as to ensure that the injection does not initiate new fractures or propagate existing fractures in the injection zone(s). In no case may injection pressure initiate	§ 20.6.2.5.I.(1) NMAC	(1) Except during stimulation, the owner or operator must ensure that injection pressure does not exceed 90 percent of the fracture pressure of the injection zone(s) so as to ensure that the injection does not initiate new fractures or propagate existing fractures in the injection zone(s). In no case may injection pressure initiate fractures in the confining zone(s) or cause the movement of injection or formation fluids that endangers a	Similar to CFR	

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		fractures in the confining zone(s) or cause the movement of injection or formation fluids that endangers a USDW. Pursuant to requirements at 40 CFR 146.82(a)(9), all stimulation programs must be approved by the Director as part of the permit application and incorporated into the permit.		USDW. Pursuant to requirements at § 20.6.2.5.C(1)(i) NMAC, all stimulation programs must be approved by the Director as part of the permit application and incorporated into the permit.		
571	40 CFR 146.88(b)	Injection between the outermost casing protecting USDWs and the well bore is prohibited.	§ 20.6.2.5.I.(2) NMAC	(2) Injection between the outermost casing protecting USDWs and the well bore is prohibited.	Text is identical	
572	40 CFR 146.88(c)	The owner or operator must fill the annulus between the tubing and the long string casing with a non-corrosive fluid approved by the Director. The owner or operator must maintain on the annulus a pressure that exceeds the operating injection pressure, unless the Director determines that such requirement might harm the integrity of	§ 20.6.2.5.I.(3) NMAC	(3) The owner or operator must fill the annulus between the tubing and the long string casing with a non-corrosive fluid approved by the Director. The owner or operator must maintain on the annulus a pressure that exceeds the operating injection pressure, unless the Director determines that such requirement might harm the integrity of the well or endanger USDWs.	Text is identical	

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		the well or endanger USDWs.				
573	40 CFR 146.88(d)	Other than during periods of well workover (maintenance) approved by the Director in which the sealed tubing-casing annulus is disassembled for maintenance or corrective procedures, the owner or operator must maintain mechanical integrity of the injection well at all times.	§ 20.6.2.5.I.(4) NMAC	(4) Other than during periods of well workover (maintenance) approved by the Director in which the sealed tubing-casing annulus is disassembled for maintenance or corrective procedures, the owner or operator must maintain mechanical integrity of the injection well at all times.	Text is identical	
574	40 CFR 146.88(e)	The owner or operator must install and use:	§ 20.6.2.5.I.(5) NMAC	(5) The owner or operator must install, use, and maintain:	Similar to CFR	
575	40 CFR 146.88(e)(1)	Continuous recording devices to monitor: the injection pressure; the rate, volume and/or mass, and temperature of the carbon dioxide stream; and the pressure on the annulus between the tubing and the long string casing and annulus fluid volume.; and	§ 20.6.2.5.I.(a) NMAC	(a) Continuous recording devices to monitor: The injection pressure; the rate, volume and/or mass, and temperature of the carbon dioxide stream; and the pressure on the annulus between the tubing and the long string casing and annulus fluid volume; and	Text is identical	
576	40 CFR 146.88(e)(2)	Alarms and automatic surface shut-off systems or, at the discretion of the Director, down-hole shut-off systems (e.g.,	§ 20.6.2.5.I.(b) NMAC	(b) Alarms and automatic surface shut-off systems or, at the discretion of the Director, down-hole shut-off systems (e.g., automatic shut-off, check valves)	Text is identical	

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		automatic shut-off, check valves) for onshore wells or, other mechanical devices that provide equivalent protection; and		for onshore wells or, other mechanical devices that provide equivalent protection; and		
577	40 CFR 146.88(e)(3)	Alarms and automatic down-hole shut-off systems for wells located offshore but within State territorial waters, designed to alert the operator and shut-in the well when operating parameters such as annulus pressure, injection rate, or other parameters diverge beyond permitted ranges and/or gradients specified in the permit.	§ 20.6.2.5.I.(c) NMAC	(c) Alarms and automatic down-hole shut-off systems for wells located offshore but within State territorial waters, designed to alert the operator and shut-in the well when operating parameters such as annulus pressure, injection rate, or other parameters diverge beyond permitted ranges and/or gradients specified in the permit.	Text is identical	
578	No Equivalent Federal Requirement	No Equivalent Federal Requirement	§ 20.6.2.5.I.(d) NMAC	(d) All alarms shall be integrated with an automated shutdown system to ensure immediate response to critical operating conditions.	More stringent	
579	40 CFR 146.88(f)	If a shutdown (i.e., down-hole or at the surface) is triggered or a loss of mechanical integrity is discovered, the owner or operator must immediately investigate and identify as expeditiously as possible	§ 20.6.2.5.I.(6) NMAC	(6) If a shutdown (i.e., down-hole or at the surface) is triggered or a loss of mechanical integrity is discovered, the owner or operator must immediately investigate and identify as expeditiously as possible the cause of the shutoff. If, upon such investigation, the	Similar to CFR	

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		the cause of the shutoff. If, upon such investigation, the well appears to be lacking mechanical integrity, or if monitoring required under paragraph (e) of this section otherwise indicates that the well may be lacking mechanical integrity, the owner or operator must:		well appears to be lacking mechanical integrity, or if monitoring required under paragraph (5) of this section otherwise indicates that the well may be lacking mechanical integrity, the owner or operator must:		
580	40 CFR 146.88(f)(1)	Immediately cease injection;	§ 20.6.2.5.I.(6)(a) NMAC	(a) Immediately cease injection;	Text is identical	
581	40 CFR 146.88(f)(2)	Take all steps reasonably necessary to determine whether there may have been a release of the injected carbon dioxide stream or formation fluids into any unauthorized zone;	§ 20.6.2.5.I.(6)(b) NMAC	(b) Take all steps reasonably necessary to determine whether there may have been a release of the injected carbon dioxide stream or formation fluids into any unauthorized zone;	Text is identical	
582	40 CFR 146.88(f)(3)	Notify the Director within 24 hours;	§ 20.6.2.5.I.(6)(c) NMAC	(c) Notify the Director within 24 hours;	Text is identical	
583	40 CFR 146.88(f)(4)	Restore and demonstrate mechanical integrity to the satisfaction of the Director prior to resuming injection; and	§ 20.6.2.5.I.(6)(d) NMAC	(d) Restore and demonstrate mechanical integrity to the satisfaction of the Director prior to resuming injection; and	Text is identical	
584	40 CFR 146.88(f)(5)	Notify the Director when injection can be expected	§ 20.6.2.5.I.(6)(e) NMAC	(e) Notify the Director when injection can be expected to	Text is identical	

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		to resume.		resume.		
40 CFR 146.89 Mechanical integrity						
585	40 CFR 146.89(a)	A Class VI well has mechanical integrity if:	§ 20.6.2.5.J.(1) <i>NMAC</i>	(1) A Class VI well has mechanical integrity if:	Text is identical	
586	40 CFR 146.89(a)(1)	There is no significant leak in the casing, tubing, or packer; and	§ 20.6.2.5.J.(a) <i>NMAC</i>	(a) There is no significant leak in the casing, tubing, or packer; and	Text is identical	
587	40 CFR 146.89(a)(2)	There is no significant fluid movement into a USDW through channels adjacent to the injection well bore.	§ 20.6.2.5.J.(b) <i>NMAC</i>	(b) There is no significant fluid movement into a USDW through channels adjacent to the injection well bore.	Text is identical	
588	40 CFR 146.89(b)	To evaluate the absence of significant leaks under paragraph (a)(1) of this section, owners or operators must, following an initial annulus pressure test, continuously monitor injection pressure, rate, injected volumes; pressure on the annulus between tubing and long-string casing; and annulus fluid volume as specified in 40 CFR 146.88 (e);	§ 20.6.2.5.J.(2) <i>NMAC</i>	(2) To evaluate the absence of significant leaks under paragraph (1)(a) of this section, owners or operators must, following an initial annulus pressure test, continuously monitor injection pressure, rate, injected volumes; pressure on the annulus between tubing and long-string casing; and annulus fluid volume as specified in 20.6.2.5.I(5) NMAC.	Similar to CFR	
589	40 CFR 146.89(c)	At least once per year, the owner or operator must use one of the following methods to determine the	§ 20.6.2.5 J.(3) <i>NMAC</i>	(3) At least once per year, the owner or operator must use one of the following methods to determine the absence of	Similar to CFR	

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		absence of significant fluid movement under paragraph (a)(2) of this section:		significant fluid movement under paragraph (1)(b) of this section:		
590	40 CFR 146.89(c)(1)	An approved tracer survey such as an oxygen-activation log; or	§ 20.6.2.5.J.(3)(a) NMAC	(a) An approved tracer survey such as an oxygen-activation log; or	Text is identical	
591	40 CFR 146.89(c)(2)	A temperature or noise log.	§ 20.6.2.5.J. (3)(b) NMAC	(b) A temperature or noise log.	Text is identical	
592	40 CFR 146.89(d)	If required by the Director, at a frequency specified in the testing and monitoring plan required at 40 CFR 146.90, the owner or operator must run a casing inspection log to determine the presence or absence of corrosion in the long-string casing.	§ 20.6.2.5.J.(4) NMAC	(4) If required by the Director, and at a frequency specified in the testing and monitoring plan pursuant to § 20.6.2.5.K NMAC, the owner or operator must run a casing inspection log to evaluate the presence or absence of corrosion or other signs of degradation in the long-string casing. The frequency and scope of subsequent casing inspection logs may be modified by the Director based on the results of the most recent inspection, or if the well has been compromised and requires a workover or significant remedial action.	More stringent	
593	40 CFR 146.89(e)	The Director may require any other test to evaluate mechanical integrity under paragraphs (a)(1) or (a)(2) of this section. Also, the	§ 20.6.2.5.J.(5) NMAC	(5) The Director may require any other test to evaluate mechanical integrity under paragraphs (1)(a) or (1)(b) of this section. Also, the Director may allow the use of a	Similar to CFR	

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		Director may allow the use of a test to demonstrate mechanical integrity other than those listed above with the written approval of the Administrator. To obtain approval for a new mechanical integrity test, the Director must submit a written request to the Administrator setting forth the proposed test and all technical data supporting its use. The Administrator may approve the request if he or she determines that it will reliably demonstrate the mechanical integrity of wells for which its use is proposed. Any alternate method approved by the Administrator will be published in the Federal Register and may be used in all States in accordance with applicable State law unless its use is restricted at the time of approval by the Administrator.		test to demonstrate mechanical integrity other than those listed above with the written approval of the EPA. To obtain approval for a new mechanical integrity test, the Director must submit a written request to the EPA setting forth the proposed test and all technical data supporting its use.		
594	40 CFR 146.89(f)	In conducting and evaluating the tests enumerated in this section	§ 20.6.2.5 J.(6) NMAC	(6) In conducting and evaluating the tests enumerated in this section or others to be allowed by the	Similar to CFR	

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		or others to be allowed by the Director, the owner or operator and the Director must apply methods and standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the Director, he/she shall include a description of the test(s) and the method(s) used. In making his/her evaluation, the Director must review monitoring and other test data submitted since the previous evaluation.		Director, the owner or operator and the Director must apply methods and standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the Director, a description of the test(s) and the method(s) used must be included. In making the evaluation, the Director must review monitoring and other test data submitted since the previous evaluation.		
595	40 CFR 146.89(g)	The Director may require additional or alternative tests if the results presented by the owner or operator under paragraphs (a) through (d) of this section are not satisfactory to the Director to demonstrate that there is no significant leak in the casing, tubing, or packer, or to demonstrate that there is no significant movement of fluid into a	§ 20.6.2.5 J.(7) NMAC	(7) The Director may require additional or alternative tests if the results presented by the owner or operator under paragraphs (1) through (4) of this section are not satisfactory to the Director to demonstrate that there is no significant leak in the casing, tubing, or packer, or to demonstrate that there is no significant movement of fluid into a USDW resulting from the injection activity as stated in paragraphs (1)(a) and (b) of this	Similar to CFR	

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		USDW resulting from the injection activity as stated in paragraphs (a)(1) and (2) of this section.		section.		
40 CFR 146.90 Testing and monitoring requirements.						
596	40 CFR 146.90	The owner or operator of a Class VI well must prepare, maintain, and comply with a testing and monitoring plan to verify that the geologic sequestration project is operating as permitted and is not endangering USDWs. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. The testing and monitoring plan must be submitted with the permit application, for Director approval, and must include a description of how the owner or operator will meet the requirements of this section, including accessing sites for all necessary monitoring and	§ 20.6.2.5 K. NMAC	(K) The owner or operator of a Class VI well must prepare, maintain, and comply with a testing and monitoring plan to verify that the geologic sequestration project is operating as permitted and is not endangering USDWs. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. The testing and monitoring plan must be submitted with the permit application, for Director approval, and must include a description of how the owner or operator will meet the requirements of this section, including accessing sites for all necessary monitoring and testing during the life of the project. It must also include a summary of community engagement activities conducted to develop a plan that addresses project-related risks. Testing and	More stringent	

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		testing during the life of the project. Testing and monitoring associated with geologic sequestration projects must, at a minimum, include:		monitoring associated with geologic sequestration projects must, at a minimum, include:		
597	40 CFR 146.90(a)	Analysis of the carbon dioxide stream with sufficient frequency to yield data representative of its chemical and physical characteristics;	§ 20.6.2.5 K.(1) NMAC	(1) Analysis of the carbon dioxide stream with sufficient frequency to yield data representative of its chemical and physical characteristics;	Text is identical	
598	40 CFR 146.90(b)	Installation and use, except during well workovers as defined in 40 CFR 146.88(d), of continuous recording devices to monitor injection pressure, rate, and volume; the pressure on the annulus between the tubing and the long string casing; and the annulus fluid volume added;	§ 20.6.2.5 K.(2) NMAC	(2) Installation and use, except during well workovers as defined in § 20.6.2.5.I(4) NMAC, of continuous recording devices to monitor injection pressure, rate, and volume; the pressure on the annulus between the tubing and the long string casing; and the annulus fluid volume added;	Similar to CFR	
599	40 CFR 146.90(c)	Corrosion monitoring of the well materials for loss of mass, thickness, cracking, pitting, and other signs of corrosion, which must be performed on a quarterly basis to ensure that the well components	§ 20.6.2.5 K.(3) NMAC	(3) Corrosion monitoring of the well materials for loss of mass, thickness, cracking, pitting, and other signs of corrosion, which must be performed on a quarterly basis to ensure that the well components meet the minimum standards for material strength and	Similar to CFR	

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		meet the minimum standards for material strength and performance set forth in 40 CFR 146.86(b), by:		performance set forth in § 20.6.2.5.G(2) NMAC, by:		
600	40 CFR 146.90(c)(1)	Analyzing coupons of the well construction materials placed in contact with the carbon dioxide stream; or	§ 20.6.2.5 K.(3)(a) NMAC	(a) Analyzing coupons of the well construction materials placed in contact with the carbon dioxide stream; or	Text is identical	
601	40 CFR 146.90(c)(2)	Routing the carbon dioxide stream through a loop constructed with the material used in the well and inspecting the materials in the loop; or	§ 20.6.2.5 K.(3)(b) NMAC	(b) Routing the carbon dioxide stream through a loop constructed with the material used in the well and inspecting the materials in the loop; or	Text is identical	
602	40 CFR 146.90(c)(3)	Using an alternative method approved by the Director;	§ 20.6.2.5 K.(3)(c) NMAC	(c) Using an alternative method approved by the Director;	Text is identical	
603	40 CFR 146.90(d)	Periodic monitoring of the ground water quality and geochemical changes above the confining zone(s) that may be a result of carbon dioxide movement through the confining zone(s) or additional identified zones including:	§ 20.6.2.5 K.(4) NMAC	(4) <i>Quarterly</i> monitoring of the ground water quality and geochemical changes above the confining zone(s) that may be a result of carbon dioxide movement through the confining zone(s) or additional identified zones including:	More stringent	
604	40 CFR 146.90(d)(1)	The location and number of monitoring wells based on specific information about the geologic sequestration project,	§ 20.6.2.5 K.(4)(a) NMAC	(a) The location and number of monitoring wells based on specific information about the geologic sequestration project, including injection rate and volume,	Text is identical	

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		including injection rate and volume, geology, the presence of artificial penetrations, and other factors; and		geology, the presence of artificial penetrations, and other factors; and		
605	40 CFR 146.90(d)(2)	The monitoring frequency and spatial distribution of monitoring wells based on baseline geochemical data that has been collected under 40 CFR 146.82(a)(6) and on any modeling results in the area of review evaluation required by 40 CFR 146.84(c).	§ 20.6.2.5 K.(4)(b) NMAC	(b) The monitoring frequency and spatial distribution of monitoring wells based on baseline geochemical data that has been collected under § 20.6.2.5.C(1)(f) NMAC and on any modeling results in the area of review evaluation required by § 20.6.2.5.E(3) NMAC.	Similar to CFR	
606	40 CFR 146.90(e)	A demonstration of external mechanical integrity pursuant to 40 CFR 146.89(c) at least once per year until the injection well is plugged; and, if required by the Director, a casing inspection log pursuant to requirements at 40 CFR 146.89(d) at a frequency established in the testing and monitoring plan;	§ 20.6.2.5 K.(5) NMAC	(5) A demonstration of external mechanical integrity pursuant to § 20.6.2.5.J(3) NMAC, adhering to the methods prescribed in § 19.15.26.11 NMAC, at least once per year until the injection well is plugged; and, if required by the Director, a casing inspection log pursuant to requirements at § 20.6.2.5.J(4) NMAC at a frequency established in the testing and monitoring plan;	Similar to CFR	
607	40 CFR 146.90(f)	A pressure fall-off test at least once every five years unless more frequent	§ 20.6.2.5 K.(6) NMAC	(6) A pressure fall-off test at least once every five years unless more frequent testing is required by the	Text is identical	

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		testing is required by the Director based on site-specific information;		Director based on site-specific information;		
608	40 CFR 146.90(g)	Testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (e.g., the pressure front) by using:	§ 20.6.2.5 K.(7) NMAC	(7) Testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (e.g., the pressure front) by using:	Text is identical	
609	40 CFR 146.90(g)(1)	Direct methods in the injection zone(s); and,	§ 20.6.2.5 K.(7)(a) NMAC	(a) Direct methods in the injection zone(s); and,	Text is identical	
610	40 CFR 146.90(g)(2)	Indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys and/or down-hole carbon dioxide detection tools), unless the Director determines, based on site-specific geology, that such methods are not appropriate;	§ 20.6.2.5 K.(7)(b) NMAC	(b) Indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys and/or down-hole carbon dioxide detection tools), unless the Director determines, based on site-specific geology, that such methods are not appropriate;	Text is identical	
611	40 CFR 146.90(h)	The Director may require surface air monitoring and/or soil gas monitoring to detect movement of carbon dioxide that could endanger a USDW.	§ 20.6.2.5 K.(8) NMAC	(8) Soil gas monitoring is required to detect movement of carbon dioxide that could endanger a USDW	More stringent	
612	40 CFR 146.90(h)	The Director may require surface air monitoring and/or soil gas monitoring to detect movement of	§ 20.6.2.5 K.(8) NMAC	(9) The Director may require surface air monitoring to detect movement of carbon dioxide that could endanger a USDW,	More stringent	

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		carbon dioxide that could endanger a USDW.		including in oil and gas fields or other areas with a high density of legacy wellbores.		
613	40 CFR 146.90(h)(1)	Design of Class VI surface air and/or soil gas monitoring must be based on potential risks to USDWs within the area of review;	§ 20.6.2.5 K.(8)(a) NMAC	(a) Design of Class VI soil gas and surface air (if required) monitoring must be based on potential risks to USDWs within the area of review;	Similar to CFR	
614	40 CFR 146.90(h)(2)	The monitoring frequency and spatial distribution of surface air monitoring and/or soil gas monitoring must be decided using baseline data, and the monitoring plan must describe how the proposed monitoring will yield useful information on the area of review delineation and/or compliance with standards under 40 CFR 144.12;	§ 20.6.2.5 K.(8)(b) NMAC	(b) The monitoring frequency and spatial distribution of soil gas and surface air monitoring (if required) must be based on baseline geochemical data that has been collected under §20.6.2.5.C(1)(f) NMAC and on any modeling results in the area of review evaluation required by §20.6.2.5.E(3) NMAC.	Similar to CFR	
615	40 CFR 146.90(h)(3)	If an owner or operator demonstrates that monitoring employed under 40 CFR 98.440 to 98.449 of this chapter (Clean Air Act, 42 U.S.C. 7401 et seq.) accomplishes the goals of (h)(1) and (2) of this section, and meets	§ 20.6.2.5 K.(8)(c) NMAC	(c) If an owner or operator demonstrates that monitoring employed under §§ 98.440 to 98.449 of this chapter (Clean Air Act, 42 U.S.C. 7401 et seq.) accomplishes the goals of paragraphs (8)(a) and (b) of this section, and meets the requirements pursuant to §	Similar to CFR	

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		the requirements pursuant to 40 CFR 146.91(c)(5), a Director that requires surface air/soil gas monitoring must approve the use of monitoring employed under 98.440 to 98.449 of this chapter. Compliance with 40 CFR 98.440 to 98.449 of this chapter pursuant to this provision is considered a condition of the Class VI permit;		20.6.2.5.L(3)(e) NMAC, a Director that requires surface air/soil gas monitoring must approve the use of monitoring employed under §§ 98.440 to 98.449 of this chapter. Compliance with §§ 98.440 to 98.449 of this chapter pursuant to this provision is considered a condition of the Class VI permit;		
616	No Equivalent Federal Requirement	No Equivalent Federal Requirement	§ 20.6.2.5 K.(9) NMAC	(9) Seismicity monitoring is required as part of the operational and post injection monitoring program for all Class VI injection projects. The owner or operator shall design and implement a site specific seismic monitoring plan capable of detecting and characterizing induced seismicity that may result from injection activities. Responses to seismic events shall be conducted in accordance with protocols established by the Oil Conservation Division	More stringent	
617	No Equivalent Federal Requirement	No Equivalent Federal Requirement	§ 20.6.2.5 K.(9)(a)	(a) Design of Class VI seismicity	More stringent	

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		Requirement	<i>NMAC</i>	monitoring must be based on the potential risk of disturbing the confinement and endangering USDWs within the area of review;		
618	No Equivalent Federal Requirement	No Equivalent Federal Requirement	§ 20.6.2.5 K.(9)(b) <i>NMAC</i>	(b) The spatial distribution of the monitoring network must be decided using baseline data and other findings pursuant to § 20.6.2.5.C(1)(c)(v) NMAC and § 20.6.2.5.E(3) NMAC. to establish baseline microseismic activity;	More stringent	
619	40 CFR 146.90(i)	Any additional monitoring, as required by the Director, necessary to support, upgrade, and improve computational modeling of the area of review evaluation required under 40 CFR 146.84(c) and to determine compliance with standards under 40 CFR 144.12;	§ 20.6.2.5 K.(10) <i>NMAC</i>	(10) Any additional monitoring, as required by the Director, necessary to support, upgrade, and improve computational modeling of the area of review evaluation required under § 20.6.2.5.E(3) NMAC and to determine compliance with standards under § 144.12 of this chapter;	Similar to CFR	
620	40 CFR 146.90(j)	The owner or operator shall periodically review the testing and monitoring plan to incorporate monitoring data collected under this subpart, operational data collected under 40 CFR 146.88, and the most recent area of review reevaluation performed under 40 CFR	§ 20.6.2.5 K.(11) <i>NMAC</i>	(11) The owner or operator shall periodically review the testing and monitoring plan to incorporate monitoring data collected under this subpart, operational data collected under § 20.6.2.5.I NMAC, and the most recent area of review reevaluation performed under § 20.6.2.5.E(5) NMAC. An initial review of the testing and	More stringent	

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		146.84(e). In no case shall the owner or operator review the testing and monitoring plan less often than once every five years. Based on this review, the owner or operator shall submit an amended testing and monitoring plan or demonstrate to the Director that no amendment to the testing and monitoring plan is needed. Any amendments to the testing and monitoring plan must be approved by the Director, must be incorporated into the permit, and are subject to the permit modification requirements at 40 CFR 144.39 or 144.41, as appropriate. Amended plans or demonstrations shall be submitted to the Director as follows:		monitoring plan shall occur two years after injection begins, and at no time may exceed four years. Based on this review, the owner or operator shall submit an amended testing and monitoring plan or demonstrate to the Director that no amendment to the testing and monitoring plan is needed. Any amendments to the testing and monitoring plan must be approved by the Director, must be incorporated into the permit, and are subject to the permit modification requirements at § 144.39 or § 144.41 of this chapter, as appropriate. Amended plans or demonstrations shall be submitted to the Director as follows:		
621	40 CFR 146.90(j)(1)	Within one year of an area of review reevaluation;	§ 20.6.2.5 K.(11)(a) NMAC	(a) Within one year of an area of review reevaluation;	Text is identical	
622	40 CFR 146.90(j)(2)	Following any significant changes to the facility, such as addition of monitoring wells or newly	§ 20.6.2.5 K.(11)(b) NMAC	(b) Following any significant changes to the facility, such as addition of monitoring wells or newly permitted injection wells	Text is identical	

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		permitted injection wells within the area of review, on a schedule determined by the Director; or		within the area of review, on a schedule determined by the Director; or		
623	40 CFR 146.90(j)(3)	When required by the Director.	§ 20.6.2.5 K.(11)(c) NMAC	(c) When required by the Director.	Text is identical	
624	40 CFR 146.90(k)	A quality assurance and surveillance plan for all testing and monitoring requirements.	§ 20.6.2.5 K.(12) NMAC	(12) A quality assurance and surveillance plan for all testing and monitoring requirements.	Text is identical	
40 CFR 146.91 Reporting requirements.						
625	40 CFR 146.91	The owner or operator must, at a minimum, provide, as specified in paragraph (e) of this section, the following reports to the Director, for each permitted Class VI well:	§ 20.6.2.5 L. NMAC	(L) <i>Reporting requirements.</i> The owner or operator must, at a minimum, provide, as specified in paragraph (5) of this section, the following reports to the Director and the EPA, for each permitted Class VI well:	Similar to CFR	
626	40 CFR 146.91(a)	Semi-annual reports containing:	§ 20.6.2.5 L.(1) NMAC	(1) Semi-annual reports containing:	Text is identical	
627	40 CFR 146.91(a)(1)	Any changes to the physical, chemical, and other relevant characteristics of the carbon dioxide stream from the proposed operating data;	§ 20.6.2.5 L.(1)(a) NMAC	(a) Any changes to the physical, chemical, and other relevant characteristics of the carbon dioxide stream from the proposed operating data;	Text is identical	
628	40 CFR 146.91(a)(2)	Monthly average, maximum, and minimum	§ 20.6.2.5 L.(1)(b) NMAC	(b) Monthly average, maximum, and minimum values for injection	Text is identical	

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		values for injection pressure, flow rate and volume, and annular pressure;		pressure, flow rate and volume, and annular pressure;		
629	40 CFR 146.91(a)(3)	A description of any event that exceeds operating parameters for annulus pressure or injection pressure specified in the permit;	§ 20.6.2.5 L.(1)(c) NMAC	(c) A description of any event that exceeds operating parameters for annulus pressure or injection pressure specified in the permit;	Text is identical	
630	40 CFR 146.91(a)(4)	A description of any event which triggers a shut-off device required pursuant to 40 CFR 146.88(e) and the response taken;	§ 20.6.2.5 L.(1)(d) NMAC	(d) A description of any event which triggers a shut-off device required pursuant to § 20.6.2.5. I. (5) NMAC and the response taken;	Similar to CFR	
631	40 CFR 146.91(a)(5)	The monthly volume and/or mass of the carbon dioxide stream injected over the reporting period and the volume injected cumulatively over the life of the project;	§ 20.6.2.5 L.(1)(e) NMAC	(e) The monthly volume and/or mass of the carbon dioxide stream injected over the reporting period and the volume injected cumulatively over the life of the project;	Text is identical	
632	40 CFR 146.91(a)(6)	Monthly annulus fluid volume added; and	§ 20.6.2.5 L.(1)(f) NMAC	(f) Monthly annulus fluid volume added; and	Text is identical	
633	40 CFR 146.91(a)(7)	The results of monitoring prescribed under 40 CFR 146.90.	§ 20.6.2.5 L.(1)(g) NMAC	(g) The results of monitoring prescribed under § 20.6.2.5.K NMAC.	Similar to CFR	
634	40 CFR 146.91(b)	Report, within 30 days, the results of:	§ 20.6.2.5 L.(2) NMAC	(2) Report, within 30 days, the results of:	Text is identical	

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635	40 CFR 146.91(b)(1)	Periodic tests of mechanical integrity;	§ 20.6.2.5 L.(2)(a) NMAC	(a) Periodic tests of mechanical integrity;	Text is identical	
636	40 CFR 146.91(b)(2)	Any well workover; and,	§ 20.6.2.5 L.(2)(b) NMAC	(b) Any well workover; and,	Text is identical	
637	40 CFR 146.91(b)(3)	Any other test of the injection well conducted by the permittee if required by the Director.	§ 20.6.2.5 L.(2)(c) NMAC	(c) Any other test of the injection well conducted by the permittee if required by the Director.	Text is identical	
638	40 CFR 146.91(c)	Report, within 24 hours:	§ 20.6.2.5 L.(3) NMAC	(3) Report, within 24 hours:	Text is identical	
639	40 CFR 146.91(c)(1)	Any evidence that the injected carbon dioxide stream or associated pressure front may cause an endangerment to a USDW;	§ 20.6.2.5 L.(3)(a) NMAC	(a) Any evidence that the injected carbon dioxide stream or associated pressure front may cause an endangerment to a USDW;	Text is identical	
640	40 CFR 146.91(c)(2)	Any noncompliance with a permit condition, or malfunction of the injection system, which may cause fluid migration into or between USDWs;	§ 20.6.2.5 L.(3)(b) NMAC	(b) Any noncompliance with a permit condition, or malfunction of the injection system, which may cause fluid migration into or between USDWs;	Text is identical	
641	40 CFR 146.91(c)(3)	Any triggering of a shut-off system (i.e., down-hole or at the surface);	§ 20.6.2.5 L.(3)(c) NMAC	(c) Any triggering of a shut-off system (i.e., down-hole or at the surface);	Text is identical	
642	40 CFR 146.91(c)(4)	Any failure to maintain mechanical integrity; or.	§ 20.6.2.5 L.(3)(d) NMAC	(d) Any failure to maintain mechanical integrity; or.	Text is identical	
643	40 CFR 146.91(c)(5)	Pursuant to compliance with the requirement at 40	§ 20.6.2.5 L.(3)(e) NMAC	(e) Pursuant to compliance with the requirement at § 20.6.2.5.K(8)	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		CFR 146.90(h) for surface air/soil gas monitoring or other monitoring technologies, if required by the Director, any release of carbon dioxide to the atmosphere or biosphere.		NMAC for surface air/soil gas monitoring or other monitoring technologies, if required by the Director, any release of carbon dioxide to the atmosphere or biosphere.		
644	40 CFR 146.91(d)	Owners or operators must notify the Director in writing 30 days in advance of:	§ 20.6.2.5 L.(4) NMAC	(4) Owners or operators must notify the Director in writing 30 days in advance of:	Text is identical	
645	40 CFR 146.91(d)(1)	Any planned well workover;	§ 20.6.2.5 L.(4)(a) NMAC	(a) Any planned well workover;	Text is identical	
646	40 CFR 146.91(d)(2)	Any planned stimulation activities, other than stimulation for formation testing conducted under 40 CFR 146.82; and	§ 20.6.2.5 L.(4)(b) NMAC	(b) Any planned stimulation activities, other than stimulation for formation testing conducted under § 20.6.2.5.C NMAC; and	Similar to CFR	
647	40 CFR 146.91(d)(3)	Any other planned test of the injection well conducted by the permittee.	§ 20.6.2.5 L.(4)(c) NMAC	(c) Any other planned test of the injection well conducted by the permittee.	Text is identical	
648	40 CFR 146.91(e)	Regardless of whether a State has primary enforcement responsibility, owners or operators must submit all required reports, submittals, and notifications under subpart H of this part to EPA in an electronic format approved by EPA.	§ 20.6.2.5 L.(5) NMAC	(5) Regardless of whether the state of New Mexico has primary enforcement responsibility, owners or operators must submit all required reports, submittals, and notifications under subpart H of this part to the Director <i>and to EPA</i> in an electronic format approved by EPA.	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
649	40 CFR 146.91(f)	Records shall be retained by the owner or operator as follows:	§ 20.6.2.5 L.(6) NMAC	(6) Records shall be retained by the owner or operator as follows:	Text is identical	
650	40 CFR 146.91(f)(1)	All data collected under 40 CFR 146.82 for Class VI permit applications shall be retained throughout the life of the geologic sequestration project and for 10 years following site closure.	§ 20.6.2.5 L.(6)(a) NMAC	(a) All data collected under § 20.6.2.5.C NMAC for Class VI permit applications shall be retained throughout the life of the geologic sequestration project and for <i>at least</i> 10 years following site closure.	More stringent	
651	40 CFR 146.91(f)(2)	Data on the nature and composition of all injected fluids collected pursuant to 40 CFR 146.90(a) shall be retained until 10 years after site closure. The Director may require the owner or operator to deliver the records to the Director at the conclusion of the retention period.	§ 20.6.2.5 L.(6)(b) NMAC	(b) Data on the nature and composition of all injected fluids collected pursuant to § 20.6.2.5.K(1) NMAC shall be retained for <i>at least 10 years</i> after site closure. The Director may require the owner or operator to deliver the records to the Director at the conclusion of the retention period.	More stringent	
652	40 CFR 146.91(f)(3)	Monitoring data collected pursuant to 40 CFR 146.90(b) through (i) shall be retained for 10 years after it is collected.	§ 20.6.2.5 L.(6)(c) NMAC	(c) Monitoring data collected pursuant to § 20.6.2.5.K(2) through (9) NMAC shall be retained for <i>at least</i> 10 years after it is collected.	More stringent	
653	40 CFR 146.91(f)(4)	Well plugging reports, post-injection site care data, including, if appropriate, data and	§ 20.6.2.5 L.(6)(d) NMAC	(d) Well plugging reports, post-injection site care data, including, if appropriate, data and information used to develop the	More stringent	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		information used to develop the demonstration of the alternative post-injection site care timeframe, and the site closure report collected pursuant to requirements at 40 CFR 146.93(f) and (h) shall be retained for 10 years following site closure.		demonstration of the alternative post-injection site care timeframe, and the site closure report collected pursuant to requirements at § 20.6.2.5.N(6) and (8) NMAC shall be retained for <i>at least</i> 10 years following site closure.		
654	40 CFR 146.91(f)(5)	The Director has authority to require the owner or operator to retain any records required in this subpart for longer than 10 years after site closure.	§ 20.6.2.5 L.(6)(e) NMAC	(e) The Director has authority to require the owner or operator to retain any records required by these regulations for longer than 10 years after site closure.	Similar to CFR	
40 CFR 146.92 Injection well plugging.						
655	40 CFR 146.92(a)	Prior to the well plugging, the owner or operator must flush each Class VI injection well with a buffer fluid, determine bottomhole reservoir pressure, and perform a final external mechanical integrity test.	§ 20.6.2.5 M.(1) NMAC	(1) Prior to the well plugging, the owner or operator must flush each Class VI injection well with a buffer fluid, determine bottomhole reservoir pressure, and perform a final external mechanical integrity test.	Text is identical	
656	40 CFR 146.92(b)	<i>Well Plugging Plan.</i> The owner or operator of a Class VI well must prepare, maintain, and comply with a plan that is acceptable to	§ 20.6.2.5 M.(2) NMAC	<i>Well plugging plan.</i> The owner or operator of a Class VI well must prepare, maintain, and comply with a plan that is acceptable to the Director. The requirement to	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		the Director. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. The well plugging plan must be submitted as part of the permit application and must include the following information:		maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. The well plugging plan must be submitted as part of the permit application, <i>must be designed to prevent the migration of fluids into or between USDWs or outside of the injection zone</i> , and must include the following information:		
657	40 CFR 146.92(b)(1)	Appropriate tests or measures for determining bottomhole reservoir pressure;	§ 20.6.2.5 M.(2)(a) NMAC	(a) Appropriate tests or measures for determining bottomhole reservoir pressure;	Text is identical	
658	40 CFR 146.92(b)(2)	Appropriate testing methods to ensure external mechanical integrity as specified in 40 CFR 146.89;	§ 20.6.2.5 M.(2)(b) NMAC	(b) Appropriate testing methods to ensure external mechanical integrity as specified in § 20.6.2.5.J NMAC;	Similar to CFR	
659	No Equivalent Federal Requirement	No Equivalent Federal Requirement	§ 20.6.2.5 M.(2)(c) NMAC	(c) A detailed description of the size and quantity of casing, tubing, and any other well construction materials proposed for removal prior to well closure.	More stringent	
660	40 CFR 146.92(b)(3)	The type and number of plugs to be used;	§ 20.6.2.5 M.(2)(d) NMAC	(d) The type and number of plugs to be used;	Text is identical	
661	40 CFR 146.92(b)(4)	The placement of each plug, including the	§ 20.6.2.5 M.(2)(e) NMAC	(e) The placement of each plug, including the elevation of the top	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		elevation of the top and bottom of each plug;		and bottom of each plug;		
662	40 CFR 146.92(b)(5)	The type, grade, and quantity of material to be used in plugging. The material must be compatible with the carbon dioxide stream; and	§ 20.6.2.5 M.(2)(f) NMAC	(f) The type, grade, and quantity of material, <i>such as cement</i> , to be used in plugging. The material must be compatible with the carbon dioxide stream; and	Similar to CFR	
663	40 CFR 146.92(b)(6)	The method of placement of the plugs.	§ 20.6.2.5 M.(2)(g) NMAC	(g) The method of placement of the plugs;	Text is identical	
664	No Equivalent Federal Requirement	No Equivalent Federal Requirement	§ 20.6.2.5 M.(2)(h) NMAC	(h) Pre-closure and post-closure well schematics;	More stringent	
665	No Equivalent Federal Requirement	No Equivalent Federal Requirement	§ 20.6.2.5 M.(2)(i) NMAC	(i) Any additional information requested by the Director.	More stringent	
666	No Equivalent Federal Requirement	No Equivalent Federal Requirement	§ 20.6.2.5 M.(2)(j) NMAC	(j) Upon successful completion of well closure, the owner or operator shall comply with § 19.15.25.10 NMAC to properly abandon the well and location.	More stringent	
667	40 CFR 146.92(c)	<i>Notice of intent to plug.</i> The owner or operator must notify the Director in writing pursuant to 40 CFR 146.91(e), at least 60 days before plugging of a well. At this time, if any changes have been made to the original well plugging plan, the owner or operator must also provide the revised well plugging plan. The	§ 20.6.2.5 M.(3) NMAC	(3) <i>Notice of intent to plug.</i> The owner or operator must notify the Director in writing, pursuant to § 20.6.2.5 L.(5) NMAC, at least 60 days prior to the planned plugging of a well. If any modifications have been made to the approved well plugging plan at the time of this notice, a revised plan must be submitted for review. The Director may authorize a shorter advance notice period, if warranted. In	More stringent	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		Director may allow for a shorter notice period. Any amendments to the injection well plugging plan must be approved by the Director, must be incorporated into the permit, and are subject to the permit modification requirements at 40 CFR 144.39 or 144.41, as appropriate.		addition to this notice, the owner or operator must also provide a minimum of 24 hours' notice to the Director prior to commencing physical plugging operations. Any amendments to the well plugging plan must be approved by the Director, incorporated into the permit, and processed in accordance with the applicable permit modification requirements at § 144.39 or § 144.41 of this chapter.		
668	40 CFR 146.92(d)	<i>Plugging report.</i> Within 60 days after plugging, the owner or operator must submit, pursuant to 40 CFR 146.91(e), a plugging report to the Director. The report must be certified as accurate by the owner or operator and by the person who performed the plugging operation (if other than the owner or operator.) The owner or operator shall retain the well plugging report for 10 years following site closure.	§ 20.6.2.5 M.(4) NMAC	(4) <i>Well plugging report.</i> Within 30 days after well plugging and abandonment, the owner or operator must submit, pursuant to § 20.6.2.5 L (5) NMAC, a well plugging report to the Director. The report must be certified as accurate by the owner or operator and by the person who performed the well and location inspection pursuant to § 19.15.25.10 F. NMAC. The owner or operator shall retain the well plugging report for 10 years following site closure. The report shall contain the following information:	More stringent	
669	No Equivalent Federal Requirement	No Equivalent Federal	§ 20.6.2.5 M.(4)(a)	(a) A detailed description of the	More stringent	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		Requirement	<i>NMAC</i>	site closure procedures, clearly identifying any deviations from the submitted plan during the closure process.		
670	No Equivalent Federal Requirement	No Equivalent Federal Requirement	§ 20.6.2.5 M.(4)(b) <i>NMAC</i>	(b) All state regulatory reporting forms and correspondence related to site closure	More stringent	
671	No Equivalent Federal Requirement	No Equivalent Federal Requirement	§ 20.6.2.5 M.(4)(c) <i>NMAC</i>	(c) Any relevant information related to closure activities including well schematics, monitoring data, and mechanical integrity test results.	More stringent	
40 CFR 146.93 Post-injection site care and site closure.						
672	40 CFR 146.93(a)	The owner or operator of a Class VI well must prepare, maintain, and comply with a plan for post-injection site care and site closure that meets the requirements of paragraph (a)(2) of this section and is acceptable to the Director. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.	§ 20.6.2.5 N.(1) <i>NMAC</i>	(1) The owner or operator of a Class VI well must prepare, maintain, and comply with a plan for post-injection site care and site closure that meets the requirements of paragraph (1)(b) of this section and is acceptable to the Director. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.	Similar to CFR	
673	40 CFR	The owner or operator must	§ 20.6.2.5 N.(1)(a)	(a) The owner or operator must	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
	146.93(a)(1)	submit the post-injection site care and site closure plan as a part of the permit application to be approved by the Director.	<i>NMAC</i>	submit the post-injection site care and site closure plan as a part of the permit application to be approved by the Director.		
674	40 CFR 146.93(a)(2)	The post-injection site care and site closure plan must include the following information:	§ 20.6.2.5 <i>N.(1)(b) NMAC</i>	(b) The post-injection site care and site closure plan must include the following information:	Text is identical	
675	40 CFR 146.93(a)(2)(i)	The pressure differential between pre-injection and predicted post-injection pressures in the injection zone(s);	§ 20.6.2.5 <i>N.(1)(b)(i) NMAC</i>	(i) The pressure differential between pre-injection and predicted post-injection pressures in the injection zone(s);	Text is identical	
676	40 CFR 146.93(a)(2)(ii)	The predicted position of the carbon dioxide plume and associated pressure front at site closure as demonstrated in the area of review evaluation required under 40 CFR 146.84(c)(1);	§ 20.6.2.5 <i>N.(1)(b)(ii) NMAC</i>	(ii) The predicted position of the carbon dioxide plume and associated pressure front at site closure as demonstrated in the area of review evaluation required under 20.6.2.5.E(3)(a) NMAC;	Similar to CFR	
677	40 CFR 146.93(a)(2)(iii)	A description of post-injection monitoring location, methods, and proposed frequency;	§ 20.6.2.5 <i>N.(1)(b)(iii) NMAC</i>	(iii) A description of post-injection monitoring location, methods, and proposed frequency;	Text is identical	
678	40 CFR 146.93(a)(2)(iv)	A proposed schedule for submitting post-injection site care monitoring results to the Director pursuant to 40 CFR 146.91(e); and,	§ 20.6.2.5 <i>N.(1)(b)(iv) NMAC</i>	(iv) A proposed schedule for submitting post-injection site care monitoring results to the Director pursuant to 20.6.2.5.L(5) NMAC; and,	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
679	40 CFR 146.93(a)(2)(v)	The duration of the post-injection site care timeframe and, if approved by the Director, the demonstration of the alternative post-injection site care timeframe that ensures non-endangerment of USDWs.	§ 20.6.2.5 N.(1)(b)(v) NMAC	(v) The duration of the post-injection site care timeframe and, if approved by the Director, the demonstration of the alternative post-injection site care timeframe that ensures non-endangerment of USDWs.	Text is identical	
680	40 CFR 146.93(a)(3)	Upon cessation of injection, owners or operators of Class VI wells must either submit an amended post-injection site care and site closure plan or demonstrate to the Director through monitoring data and modeling results that no amendment to the plan is needed. Any amendments to the post-injection site care and site closure plan must be approved by the Director, be incorporated into the permit, and are subject to the permit modification requirements at 40 CFR 144.39 or 144.41, as appropriate.	§ 20.6.2.5 N.(1)(c) NMAC	(c) Upon cessation of injection, owners or operators of Class VI wells must either submit an amended post-injection site care and site closure plan or demonstrate to the Director through monitoring data and modeling results that no amendment to the plan is needed. Any amendments to the post-injection site care and site closure plan must be approved by the Director, be incorporated into the permit, and are subject to the permit modification requirements at § 144.39 or § 144.41 of this chapter, as appropriate.	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
681	40 CFR 146.93(a)(4)	At any time during the life of the geologic sequestration project, the owner or operator may modify and resubmit the post-injection site care and site closure plan for the Director's approval within 30 days of such change.	§ 20.6.2.5 N.(1)(d) NMAC	(d) At any time during the life of the geologic sequestration project, the owner or operator may modify and resubmit the post-injection site care and site closure plan for the Director's approval within 30 days of such change.	Text is identical	
682	40 CFR 146.93(b)	The owner or operator shall monitor the site following the cessation of injection to show the position of the carbon dioxide plume and pressure front and demonstrate that USDWs are not being endangered.	§ 20.6.2.5 N.(2) NMAC	(2) The owner or operator shall monitor the site following the cessation of injection to show the position of the carbon dioxide plume and pressure front and demonstrate that USDWs are not being endangered.	Text is identical	
683	40 CFR 146.93(b)(1)	Following the cessation of injection, the owner or operator shall continue to conduct monitoring as specified in the Director-approved post-injection site care and site closure plan for at least 50 years or for the duration of the alternative timeframe approved by the Director pursuant to requirements in paragraph (c) of this section, unless he/she makes a demonstration	§ 20.6.2.5 N.(2)(a) NMAC	(a) Following the cessation of injection, the owner or operator shall continue to conduct monitoring as specified in the Director-approved post-injection site care and site closure plan for at least 50 years or for the duration of the alternative timeframe approved by the Director pursuant to requirements in paragraph (3) of this section, unless the owner or operator makes a demonstration under (2)(b) of this section. The monitoring must continue until the geologic sequestration project no	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		under (b)(2) of this section. The monitoring must continue until the geologic sequestration project no longer poses an endangerment to USDWs and the demonstration under (b)(2) of this section is submitted and approved by the Director.		longer poses an endangerment to USDWs and the demonstration under (2)(b) of this section is submitted and approved by the Director.		
684	40 CFR 146.93(b)(2)	If the owner or operator can demonstrate to the satisfaction of the Director before 50 years or prior to the end of the approved alternative timeframe based on monitoring and other site-specific data, that the geologic sequestration project no longer poses an endangerment to USDWs, the Director may approve an amendment to the post-injection site care and site closure plan to reduce the frequency of monitoring or may authorize site closure before the end of the 50-year period or prior to the end of the approved alternative timeframe, where he or she has	§ 20.6.2.5 N.(2)(b) NMAC	(b) If the owner or operator can demonstrate to the satisfaction of the Director before 50 years or prior to the end of the approved alternative timeframe based on monitoring and other site-specific data, that the geologic sequestration project no longer poses an endangerment to USDWs, the Director may approve an amendment to the post-injection site care and site closure plan to reduce the frequency of monitoring or may authorize site closure before the end of the 50-year period or prior to the end of the approved alternative timeframe, where the owner or operator has substantial evidence that the geologic sequestration project no longer poses a risk of endangerment to	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		substantial evidence that the geologic sequestration project no longer poses a risk of endangerment to USDWs.		USDWs.		
685	40 CFR 146.93(b)(3)	Prior to authorization for site closure, the owner or operator must submit to the Director for review and approval a demonstration, based on monitoring and other site-specific data, that no additional monitoring is needed to ensure that the geologic sequestration project does not pose an endangerment to USDWs.	§ 20.6.2.5 N.(2)(c) NMAC	(c) Prior to authorization for site closure, the owner or operator must submit to the Director for review and approval a demonstration, based on monitoring and other site-specific data, that no additional monitoring is needed to ensure that the geologic sequestration project does not pose an endangerment to USDWs.	Text is identical	
686	40 CFR 146.93(b)(4)	If the demonstration in paragraph (b)(3) of this section cannot be made (i.e., additional monitoring is needed to ensure that the geologic sequestration project does not pose an endangerment to USDWs) at the end of the 50- year period or at the end of the approved alternative timeframe, or if the Director does not approve the demonstration, the owner or operator must	§ 20.6.2.5 N.(2)(d) NMAC	(d) If the demonstration in paragraph (2)(c) of this section cannot be made (i.e., additional monitoring is needed to ensure that the geologic sequestration project does not pose an endangerment to USDWs) at the end of the 50-year period or at the end of the approved alternative timeframe, or if the Director does not approve the demonstration, the owner or operator must submit to the Director a plan to continue post-injection site care until a demonstration can be made and	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		submit to the Director a plan to continue post-injection site care until a demonstration can be made and approved by the Director.		approved by the Director.		
687	40 CFR 146.93(c)	<i>Demonstration of alternative post-injection site care timeframe.</i> At the Director's discretion, the Director may approve, in consultation with EPA, an alternative post-injection site care timeframe other than the 50 year default, if an owner or operator can demonstrate during the permitting process that an alternative post-injection site care timeframe is appropriate and ensures non- endangerment of USDWs. The demonstration must be based on significant, site-specific data and information including all data and information collected pursuant to 40 CFR 146.82 and 146.83, and must contain substantial evidence that	§ 20.6.2.5 N.(3) NMAC	(3) <i>Demonstration of alternative post-injection site care timeframe.</i> The Director may approve, in consultation with EPA, an alternative post-injection site care timeframe other than the 50 year default, if an owner or operator can demonstrate during the permitting process that an alternative post-injection site care timeframe is appropriate and ensures non-endangerment of USDWs. The demonstration must be based on significant, site-specific data and information including all data and information collected pursuant to § 20.6.2.5.C and § 20.6.2.5.D NMAC, and must contain substantial evidence that the geologic sequestration project will no longer pose a risk of endangerment to USDWs at the end of the alternative post-injection site care timeframe.	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		the geologic sequestration project will no longer pose a risk of endangerment to USDWs at the end of the alternative post-injection site care timeframe.				
688	40 CFR 146.93(c)(1)	A demonstration of an alternative post-injection site care timeframe must include consideration and documentation of:	§ 20.6.2.5 N.(3)(a) NMAC	(a) A demonstration of an alternative post-injection site care timeframe must include consideration and documentation of:	Text is identical	
689	40 CFR 146.93(c)(1)(i)	The results of computational modeling performed pursuant to delineation of the area of review under 40 CFR 146.84;	§ 20.6.2.5 N.(3)(a)(i) NMAC	(i) The results of computational modeling performed pursuant to delineation of the area of review under § 20.6.2.5.E NMAC;	Similar to CFR	
690	40 CFR 146.93(c)(1)(ii)	The predicted timeframe for pressure decline within the injection zone, and any other zones, such that formation fluids may not be forced into any USDWs; and/or the timeframe for pressure decline to pre-injection pressures;	§ 20.6.2.5 N.(3)(a)(ii) NMAC	(ii) The predicted timeframe for pressure decline within the injection zone, and any other zones, such that formation fluids may not be forced into any USDWs; and/or the timeframe for pressure decline to pre-injection pressures;	Text is identical	
691	40 CFR 146.93(c)(1)(iii)	The predicted rate of carbon dioxide plume migration within the injection zone, and the	§ 20.6.2.5 N.(3)(a)(iii) NMAC	(iii) The predicted rate of carbon dioxide plume migration within the injection zone, and the predicted timeframe for the	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		predicted timeframe for the cessation of migration;		cessation of migration;		
692	40 CFR 146.93(c)(1)(iv)	A description of the site-specific processes that will result in carbon dioxide trapping including immobilization by capillary trapping, dissolution, and mineralization at the site;	§ 20.6.2.5 N.(3)(a)(iv) NMAC	(iv) A description of the site-specific processes that will result in carbon dioxide trapping including immobilization by capillary trapping, dissolution, and mineralization at the site;	Text is identical	
693	40 CFR 146.93(c)(1)(v)	The predicted rate of carbon dioxide trapping in the immobile capillary phase, dissolved phase, and/or mineral phase;	§ 20.6.2.5 N.(3)(a)(v) NMAC	(v) The predicted rate of carbon dioxide trapping in the immobile capillary phase, dissolved phase, and/or mineral phase;	Text is identical	
694	40 CFR 146.93(c)(1)(vi)	The results of laboratory analyses, research studies, and/or field or site-specific studies to verify the information required in paragraphs (iv) and (v) of this section;	§ 20.6.2.5 N.(3)(a)(vi) NMAC	(vi) The results of laboratory analyses, research studies, and/or field or site-specific studies to verify the information required in paragraphs (iv) and (v) of this section;	Text is identical	
695	40 CFR 146.93(c)(1)(vii)	A characterization of the confining zone(s) including a demonstration that it is free of transmissive faults, fractures, and micro-fractures and of appropriate thickness, permeability,	§ 20.6.2.5 N.(3)(a)(vii) NMAC	(vii) A characterization of the confining zone(s) including a demonstration that it is free of transmissive faults, fractures, and micro-fractures and of appropriate thickness, permeability, and integrity to impede fluid (e.g.,	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		and integrity to impede fluid (e.g., carbon dioxide, formation fluids) movement;		carbon dioxide, formation fluids) movement;		
696	40 CFR 146.93(c)(1)(viii)	The presence of potential conduits for fluid movement including planned injection wells and project monitoring wells associated with the proposed geologic sequestration project or any other projects in proximity to the predicted/modeled, final extent of the carbon dioxide plume and area of elevated pressure;	§ 20.6.2.5 N.(3)(a)(viii) NMAC	(viii) The presence of potential conduits for fluid movement including planned injection wells and project monitoring wells associated with the proposed geologic sequestration project or any other projects in proximity to the predicted/modeled, final extent of the carbon dioxide plume and area of elevated pressure;	Text is identical	
697	40 CFR 146.93(c)(1)(ix)	A description of the well construction and an assessment of the quality of plugs of all abandoned wells within the area of review;	§ 20.6.2.5 N.(3)(a)(ix) NMAC	(ix) A description of the well construction and an assessment of the quality of plugs of all abandoned wells within the area of review;	Text is identical	
698	40 CFR 146.93(c)(1)(x)	The distance between the injection zone and the nearest USDWs above and/or below the injection zone; and	§ 20.6.2.5 N.(3)(a)(x) NMAC	(x) The distance between the injection zone and the nearest USDWs above and/or below the injection zone; and	Text is identical	
699	40 CFR 146.93(c)(1)(xi)	Any additional site-specific factors required by the	§ 20.6.2.5 N.(3)(a)(xi) NMAC	(xi) Any additional site-specific factors required by the Director.	Text is identical	

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		Director.				
700	40 CFR 146.93(c)(2)	Information submitted to support the demonstration in paragraph (c)(1) of this section must meet the following criteria:	§ 20.6.2.5 N.(3)(b) NMAC	(b) Information submitted to support the demonstration in paragraph (3)(a) of this section must meet the following criteria:	Similar to CFR	
701	40 CFR 146.93(c)(2)(i)	All analyses and tests performed to support the demonstration must be accurate, reproducible, and performed in accordance with the established quality assurance standards;	§ 20.6.2.5 N.(3)(b)(i) NMAC	(i) All analyses and tests performed to support the demonstration must be accurate, reproducible, and performed in accordance with the established quality assurance standards;	Text is identical	
702	40 CFR 146.93(c)(2)(ii)	Estimation techniques must be appropriate and EPA-certified test protocols must be used where available;	§ 20.6.2.5 N.(3)(b)(ii) NMAC	(ii) Estimation techniques must be appropriate and EPA-certified test protocols must be used where available;	Text is identical	
703	40 CFR 146.93(c)(2)(iii)	Predictive models must be appropriate and tailored to the site conditions, composition of the carbon dioxide stream and injection and site conditions over the life of the geologic sequestration project;	§ 20.6.2.5 N.(3)(b)(iii) NMAC	(iii) Predictive models must be appropriate and tailored to the site conditions, composition of the carbon dioxide stream and injection and site conditions over the life of the geologic sequestration project;	Text is identical	
704	40 CFR 146.93(c)(2)(iv)	Predictive models must be calibrated using existing information (e.g., at Class I, Class II, or Class V	§ 20.6.2.5 N.(3)(b)(iv) NMAC	(iv) Predictive models must be calibrated using existing information (e.g., at Class I, Class II, or Class V experimental	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		experimental technology well sites) where sufficient data are available;		technology well sites) where sufficient data are available;		
705	40 CFR 146.93(c)(2)(v)	Reasonably conservative values and modeling assumptions must be used and disclosed to the Director whenever values are estimated on the basis of known, historical information instead of site-specific measurements;	§ 20.6.2.5 N.(3)(b)(v) NMAC	(v) Reasonably conservative values and modeling assumptions must be used and disclosed to the Director whenever values are estimated on the basis of known, historical information instead of site-specific measurements;	Text is identical	
706	40 CFR 146.93(c)(2)(vi)	An analysis must be performed to identify and assess aspects of the alternative post-injection site care timeframe demonstration that contribute significantly to uncertainty. The owner or operator must conduct sensitivity analyses to determine the effect that significant uncertainty may contribute to the modeling demonstration.	§ 20.6.2.5 N.(3)(b)(vi) NMAC	(vi) An analysis must be performed to identify and assess aspects of the alternative post-injection site care timeframe demonstration that contribute significantly to uncertainty. The owner or operator must conduct sensitivity analyses to determine the effect that significant uncertainty may contribute to the modeling demonstration.	Text is identical	
707	40 CFR 146.93(c)(2)(vii)	An approved quality assurance and quality control plan must address all aspects of the demonstration; and,	§ 20.6.2.5 N.(3)(b)(vii) NMAC	(vii) An approved quality assurance and quality control plan must address all aspects of the demonstration; and,	Text is identical	

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Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
708	40 CFR 146.93(c)(2)(viii)	Any additional criteria required by the Director.	§ 20.6.2.5 N.(3)(b)(viii) NMAC	(viii) Any additional criteria required by the Director.	Text is identical	
709	40 CFR 146.93(d)	<i>Notice of intent for site closure.</i> The owner or operator must notify the Director in writing at least 120 days before site closure. At this time, if any changes have been made to the original post-injection site care and site closure plan, the owner or operator must also provide the revised plan. The Director may allow for a shorter notice period.	§ 20.6.2.5 N.(4) NMAC	(4) <i>Notice of intent for site closure.</i> The owner or operator must notify the Director in writing at least 120 days before site closure. At this time, if any changes have been made to the original post-injection site care and site closure plan, the owner or operator must also provide the revised plan. The Director may allow for a shorter notice period.	Text is identical	
710	40 CFR 146.93(e)	After the Director has authorized site closure, the owner or operator must plug all monitoring wells in a manner which will not allow movement of injection or formation fluids that endangers a USDW.	§ 20.6.2.5 N.(5) NMAC	(5) After the Director has authorized site closure, the owner or operator must plug all monitoring wells in a manner which will not allow movement of injection or formation fluids that endangers a USDW.	Text is identical	
711	40 CFR 146.93(f)	The owner or operator must submit a site closure report to the Director within 90 days of site closure, which must thereafter be retained at a location designated by	§ 20.6.2.5 N.(6) NMAC	(6) The owner or operator must submit a site closure report to the Director within 90 days of site closure, which must thereafter be retained at a location designated by the Director for 10 years. The	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		the Director for 10 years. The report must include:		report must include:		
712	40 CFR 146.93(f)(1)	Documentation of appropriate injection and monitoring well plugging as specified in 40 CFR 146.92 and paragraph (e) of this section. The owner or operator must provide a copy of a survey plat which has been submitted to the local zoning authority designated by the Director. The plat must indicate the location of the injection well relative to permanently surveyed benchmarks. The owner or operator must also submit a copy of the plat to the Regional Administrator of the appropriate EPA Regional Office;	§ 20.6.2.5 N.(6)(a) NMAC	(a) Documentation of appropriate injection and monitoring well plugging as specified in 20.6.2.5.M NMAC and paragraph (5) of this section. The owner or operator must provide a copy of a survey plat which has been submitted to the local zoning authority designated by the Director. The plat must indicate the location of the injection well relative to permanently surveyed benchmarks. The owner or operator must also submit a copy of the plat to the appropriate EPA Regional Office per 40 CFR144.8(b)(2)(iii)	Similar to CFR	
713	40 CFR 146.93(f)(2)	Documentation of appropriate notification and information to such State, local and Tribal authorities that have authority over drilling activities to enable such State, local, and Tribal authorities to impose	§ 20.6.2.5 N.(6)(b) NMAC	(b) Documentation of appropriate notification and information to such State, local and Tribal authorities that have authority over drilling activities to enable such State, local, and Tribal authorities to impose appropriate conditions on subsequent drilling activities	Text is identical	

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		appropriate conditions on subsequent drilling activities that may penetrate the injection and confining zone(s); and		that may penetrate the injection and confining zone(s); and		
714	40 CFR 146.93(f)(3)	Records reflecting the nature, composition, and volume of the carbon dioxide stream.	§ 20.6.2.5 N.(6)(c) NMAC	(c) Records reflecting the nature, composition, and volume of the carbon dioxide stream.	Text is identical	
715	40 CFR 146.93(g)	Each owner or operator of a Class VI injection well must record a notation on the deed to the facility property or any other document that is normally examined during title search that will in perpetuity provide any potential purchaser of the property the following information:	§ 20.6.2.5 N.(7) NMAC	(7) Each owner or operator of a Class VI injection well must record a notation on the deed to the facility property or any other document that is normally examined during title search that will in perpetuity provide any potential purchaser of the property the following information:	Text is identical	
716	40 CFR 146.93(g)(1)	The fact that land has been used to sequester carbon dioxide;	§ 20.6.2.5 N.(7)(a) NMAC	(a) The fact that land has been used to sequester carbon dioxide;	Text is identical	
717	40 CFR 146.93(g)(2)	The name of the State agency, local authority, and/or Tribe with which the survey plat was filed, as well as the address of the Environmental Protection Agency	§ 20.6.2.5 N.(7)(b) NMAC	(b) The name of the State agency, local authority, and/or Tribe with which the survey plat was filed, as well as the address of the Environmental Protection Agency Regional Office to which it was submitted; and	Text is identical	

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		Regional Office to which it was submitted; and				
718	40 CFR 146.93(g)(3)	The volume of fluid injected, the injection zone or zones into which it was injected, and the period over which injection occurred.	§ 20.6.2.5 N.(7)(c) NMAC	(c) The volume of fluid injected, the injection zone or zones into which it was injected, and the period over which injection occurred.	Text is identical	
719	40 CFR 146.93(h)	The owner or operator must retain for 10 years following site closure, records collected during the post- injection site care period. The owner or operator must deliver the records to the Director at the conclusion of the retention period, and the records must thereafter be retained at a location designated by the Director for that purpose.	§ 20.6.2.5 N.(8) NMAC	(8) The owner or operator must retain for 10 years following site closure, records collected during the post-injection site care period. The owner or operator must deliver the records to the Director at the conclusion of the retention period, and the records must thereafter be retained at a location designated by the Director for that purpose.	Text is identical	
40 CFR 146.94 Emergency and remedial response.						
720	40 CFR 146.94(a)	As part of the permit application, the owner or operator must provide the Director with an emergency and remedial response plan that describes actions the owner or operator must take to address movement	§ 20.6.2.5 O.(1) NMAC	(1) As part of the permit application, the owner or operator must provide the Director with an emergency and remedial response plan that describes actions the owner or operator must take to address movement of the injection or formation fluids that may cause an endangerment to a USDW	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		of the injection or formation fluids that may cause an endangerment to a USDW during construction, operation, and post-injection site care periods. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.		during construction, operation, and post-injection site care periods. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.		
721	No Equivalent Federal Requirement	No Equivalent Federal Requirement		The owner or operator must conduct outreach with communities located within the AoR during development of the emergency and remedial response plan. This outreach must identify the chain of command for notifying the public in the event of an emergency and incorporate this information into the plan, and to develop protocols for notifying the public about well-related issues and emergencies, taking into account 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	More stringent	

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				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. The plan will be filed with the New Mexico State Emergency Response Commission.		
722	40 CFR 146.94(b)	If the owner or operator obtains evidence that the injected carbon dioxide stream and associated pressure front may cause an endangerment to a USDW, the owner or operator must:	§ 20.6.2.5 O.(2) NMAC	(2) If the owner or operator obtains evidence that the injected carbon dioxide stream and associated pressure front may cause an endangerment to a USDW, the owner or operator must:	Text is identical	
723	40 CFR 146.94(b)(1)	Immediately cease injection;	§ 20.6.2.5 O.(2)(a) NMAC	(a) Immediately cease injection;	Text is identical	
724	40 CFR 146.94(b)(2)	Take all steps reasonably necessary to identify and characterize any release;	§ 20.6.2.5 O.(2)(b) NMAC	(b) Take all steps reasonably necessary to identify and characterize any release;	Text is identical	
725	40 CFR 146.94(b)(3)	Notify the Director within 24 hours; and	§ 20.6.2.5 O.(2)(c) NMAC	(c) Notify the Director within 24 hours; and	Text is identical	
726	40 CFR 146.94(b)(4)	Implement the emergency and remedial response plan approved by the Director.	§ 20.6.2.5 O.(2)(d) NMAC	(d) Implement the emergency and remedial response plan approved by the Director.	Text is identical	
727	40 CFR 146.94(c)	The Director may allow the operator to resume injection prior to remediation if the owner or	§ 20.6.2.5 O.(3) NMAC	(3) The Director may allow the operator to resume injection prior to remediation if the owner or operator demonstrates that the	Text is identical	

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		operator demonstrates that the injection operation will not endanger USDWs.		injection operation will not endanger USDWs.		
728	40 CFR 146.94(d)	The owner or operator shall periodically review the emergency and remedial response plan developed under paragraph (a) of this section. In no case shall the owner or operator review the emergency and remedial response plan less often than once every five years. Based on this review, the owner or operator shall submit an amended emergency and remedial response plan or demonstrate to the Director that no amendment to the emergency and remedial response plan is needed. Any amendments to the emergency and remedial response plan must be approved by the Director, must be incorporated into the permit, and are subject to the permit modification requirements at 40 CFR 144.39 or 144.41, as	§ 20.6.2.5 O.(4) NMAC	(4) The owner or operator shall periodically review the emergency and remedial response plan developed under paragraph (1) of this section. at least once every three years. Based on this review, the owner or operator shall submit an amended emergency and remedial response plan or demonstrate to the Director that no amendment to the emergency and remedial response plan is needed. Any amendments to the emergency and remedial response plan must be approved by the Director, must be incorporated into the permit, and are subject to the permit modification requirements at 40 CFR 144.39 or 144.41 of this chapter, as appropriate. Amended plans or demonstrations shall be submitted to the Director as follows:	More Stringent	

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		appropriate. Amended plans or demonstrations shall be submitted to the Director as follows:				
729	40 CFR 146.94(d)(1)	Within one year of an area of review reevaluation;	§ 20.6.2.5 O.(4)(a) NMAC	(a) Within one year of an area of review reevaluation;	More Stringent	
730	40 CFR 146.94(d)(2)	Following any significant changes to the facility, such as addition of injection or monitoring wells, on a schedule determined by the Director; or	§ 20.6.2.5 O.(4)(b) NMAC	(b) Following any significant changes to the facility, such as addition of injection or monitoring wells, on a schedule determined by the Director; or	Text is identical	
731	40 CFR 146.94(d)(3)	When required by the Director.	§ 20.6.2.5 O.(4)(c) NMAC	(c) When required by the Director.	Text is identical	
40 CFR 146.95 Class VI injection depth waiver requirements.						
732	40 CFR 146.95	This section sets forth information which an owner or operator seeking a waiver of the Class VI injection depth requirements must submit to the Director; information the Director must consider in consultation with all affected Public Water System Supervision Directors; the procedure for Director – Regional Administrator communication and waiver issuance; and the	Reserve.XXX.NMAC	(x) This section sets forth information which an owner or operator seeking a waiver of the Class VI injection depth requirements must submit to the Director; information the Director must consider in consultation with all affected Public Water System Supervision Directors; the procedure for Director – Regional Administrator communication and waiver issuance; and the additional requirements that apply to owners or operators of Class VI wells granted a waiver of the injection depth requirements.	Text is identical	

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		additional requirements that apply to owners or operators of Class VI wells granted a waiver of the injection depth requirements.				
733	40 CFR 146.95(a)	In seeking a waiver of the requirement to inject below the lowermost USDW, the owner or operator must submit a supplemental report concurrent with permit application. The supplemental report must include the following,	Reserve.XXX.NMAC	(x) In seeking a waiver of the requirement to inject below the lowermost USDW, the owner or operator must submit a supplemental report concurrent with permit application. The supplemental report must include the following,	Text is identical	
734	40 CFR 146.95(a)(1)	A demonstration that the injection zone(s) is/are laterally continuous, is not a USDW, and is not hydraulically connected to USDWs; does not outcrop; has adequate injectivity, volume, and sufficient porosity to safely contain the injected carbon dioxide and formation fluids; and has appropriate geochemistry.	Reserve.XXX.NMAC	(x) A demonstration that the injection zone(s) is/are laterally continuous, is not a USDW, and is not hydraulically connected to USDWs; does not outcrop; has adequate injectivity, volume, and sufficient porosity to safely contain the injected carbon dioxide and formation fluids; and has appropriate geochemistry.	Text is identical	
735	40 CFR 146.95(a)(2)	A demonstration that the injection zone(s) is/are bounded by laterally	Reserve.XXX.NMAC	(x) A demonstration that the injection zone(s) is/are bounded by laterally continuous,	Text is identical	

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		continuous, impermeable confining units above and below the injection zone(s) adequate to prevent fluid movement and pressure buildup outside of the injection zone(s); and that the confining unit(s) is/are free of transmissive faults and fractures. The report shall further characterize the regional fracture properties and contain a demonstration that such fractures will not interfere with injection, serve as conduits, or endanger USDWs.		impermeable confining units above and below the injection zone(s) adequate to prevent fluid movement and pressure buildup outside of the injection zone(s); and that the confining unit(s) is/are free of transmissive faults and fractures. The report shall further characterize the regional fracture properties and contain a demonstration that such fractures will not interfere with injection, serve as conduits, or endanger USDWs.		
736	40 CFR 146.95(a)(3)	A demonstration, using computational modeling, that USDWs above and below the injection zone will not be endangered as a result of fluid movement. This modeling should be conducted in conjunction with the area of review determination, as described in § 146.84, and is subject to requirements, as described in § 146.84(c), and periodic	Reserve.XXX.NMAC	(x) A demonstration, using computational modeling, that USDWs above and below the injection zone will not be endangered as a result of fluid movement. This modeling should be conducted in conjunction with the area of review determination, as described in § 146.84, and is subject to requirements, as described in § 146.84(c), and periodic reevaluation, as described in § 146.84(e).	Similar to CFR	

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		reevaluation, as described in § 146.84(e).				
737	40 CFR 146.95(a)(4)	A demonstration that well design and construction, in conjunction with the waiver, will ensure isolation of the injectate in lieu of requirements at 146.86(a)(1) and will meet well construction requirements in paragraph (f) of this section.	Reserve.XXX.NMAC	(x) A demonstration that well design and construction, in conjunction with the waiver, will ensure isolation of the injectate in lieu of requirements at 146.86(a)(1) and will meet well construction requirements in paragraph (f) of this section.	Similar to CFR	
738	40 CFR 146.95(a)(5)	A description of how the monitoring and testing and any additional plans will be tailored to the geologic sequestration project to ensure protection of USDWs above and below the injection zone(s), if a waiver is granted.	Reserve.XXX.NMAC	(x) A description of how the monitoring and testing and any additional plans will be tailored to the geologic sequestration project to ensure protection of USDWs above and below the injection zone(s), if a waiver is granted.	Text is identical	
739	40 CFR 146.95(a)(6)	Information on the location of all the public water supplies affected, reasonably likely to be affected, or served by USDWs in the area of review.	Reserve.XXX.NMAC	(x) Information on the location of all the public water supplies affected, reasonably likely to be affected, or served by USDWs in the area of review.	Text is identical	
740	40 CFR 146.95(a)(7)	Any other information requested by the Director to inform the Regional Administrator's decision to	Reserve.XXX.NMAC	(x) Any other information requested by the Director to inform the Regional Administrator's decision to issue a	Text is identical	

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		issue a waiver.		waiver.		
741	40 CFR 146.95(b)	To inform the Regional Administrator's decision on whether to grant a waiver of the injection depth requirements at §§ 144.6 of this chapter , 146.5(f), and 146.86(a)(1), the Director must submit, to the Regional Administrator, documentation of the following:	Reserve.XXX.NMAC	(x) To inform the Regional Administrator's decision on whether to grant a waiver of the injection depth requirements at §§ 144.6 of this chapter , 146.5(f), and 146.86(a)(1), the Director must submit, to the Regional Administrator, documentation of the following:	Similar to CFR	
742	40 CFR 146.95(b)(1)	An evaluation of the following information as it relates to siting, construction, and operation of a geologic sequestration project with a waiver:	Reserve.XXX.NMAC	(x) An evaluation of the following information as it relates to siting, construction, and operation of a geologic sequestration project with a waiver:	Text is identical	
743	40 CFR 146.95(b)(1)(i)	The integrity of the upper and lower confining units;	Reserve.XXX.NMAC	(x) The integrity of the upper and lower confining units;	Text is identical	
744	40 CFR 146.95(b)(1)(ii)	The suitability of the injection zone(s) (e.g., lateral continuity; lack of transmissive faults and fractures; knowledge of current or planned artificial penetrations into the injection zone(s) or formations below the injection zone);	Reserve.XXX.NMAC	(x) The suitability of the injection zone(s) (e.g., lateral continuity; lack of transmissive faults and fractures; knowledge of current or planned artificial penetrations into the injection zone(s) or formations below the injection zone);	Text is identical	

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745	40 CFR 146.95(b)(1)(iii)	The potential capacity of the geologic formation(s) to sequester carbon dioxide, accounting for the availability of alternative injection sites;	Reserve.XXX.NMAC	(x) The potential capacity of the geologic formation(s) to sequester carbon dioxide, accounting for the availability of alternative injection sites;	Text is identical	
746	40 CFR 146.95(b)(1)(iv)	All other site characterization data, the proposed emergency and remedial response plan, and a demonstration of financial responsibility;	Reserve.XXX.NMAC	(x) All other site characterization data, the proposed emergency and remedial response plan, and a demonstration of financial responsibility;	Text is identical	
747	40 CFR 146.95(b)(1)(v)	Community needs, demands, and supply from drinking water resources;	Reserve.XXX.NMAC	(x) Community needs, demands, and supply from drinking water resources;	Text is identical	
748	40 CFR 146.95(b)(1)(vi)	Planned needs, potential and/or future use of USDWs and non-USDWs in the area;	Reserve.XXX.NMAC	(x) Planned needs, potential and/or future use of USDWs and non-USDWs in the area;	Text is identical	
749	40 CFR 146.95(b)(1)(vii)	Planned or permitted water, hydrocarbon, or mineral resource exploitation potential of the proposed injection formation(s) and other formations both above and below the injection zone to determine if there are any plans to drill through the formation to access resources in or beneath the proposed injection	Reserve.XXX.NMAC	(x) Planned or permitted water, hydrocarbon, or mineral resource exploitation potential of the proposed injection formation(s) and other formations both above and below the injection zone to determine if there are any plans to drill through the formation to access resources in or beneath the proposed injection zone(s)/formation(s);	Text is identical	

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		zone(s)/formation(s);				
750	40 CFR 146.95(b)(1)(viii)	The proposed plan for securing alternative resources or treating USDW formation waters in the event of contamination related to the Class VI injection activity; and,	Reserve.XXX.NMAC	(x) The proposed plan for securing alternative resources or treating USDW formation waters in the event of contamination related to the Class VI injection activity; and,	Text is identical	
751	40 CFR 146.95(b)(1)(ix)	Any other applicable considerations or information requested by the Director.	Reserve.XXX.NMAC	(x) Any other applicable considerations or information requested by the Director.	Text is identical	
752	40 CFR 146.95(b)(2)	Consultation with the Public Water System Supervision Directors of all States and Tribes having jurisdiction over lands within the area of review of a well for which a waiver is sought.	Reserve.XXX.NMAC	(x) Consultation with the Public Water System Supervision Directors and any Tribes having jurisdiction over lands within the area of review of a well for which a waiver is sought.	Similar to CFR	
753	40 CFR 146.95(b)(3)	Any written waiver-related information submitted by the Public Water System Supervision Director(s) to the (UIC) Director.	Reserve.XXX.NMAC	(x) Any written waiver-related information submitted by the Public Water System Supervision Director(s) to the (UIC) Director.	Text is identical	
754	40 CFR 146.95(c)	Pursuant to requirements at § 124.10 of this chapter and concurrent with the Class VI permit application notice process, the Director shall give	Reserve.XXX.NMAC	(x) Pursuant to requirements at § 124.10 of this chapter and concurrent with the Class VI permit application notice process, the Director shall give public notice that a waiver application	Similar to CFR	

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		public notice that a waiver application has been submitted. The notice shall clearly state:		has been submitted. The notice shall clearly state:		
755	40 CFR 146.95(c)(1)	The depth of the proposed injection zone(s);	Reserve.XXX.NMAC	(x) The depth of the proposed injection zone(s);	Text is identical	
756	40 CFR 146.95(c)(2)	The location of the injection well(s);	Reserve.XXX.NMAC	(x) The location of the injection well(s);	Text is identical	
757	40 CFR 146.95(c)(3)	The name and depth of all USDWs within the area of review;	Reserve.XXX.NMAC	(x) The name and depth of all USDWs within the area of review;	Text is identical	
758	40 CFR 146.95(c)(4)	A map of the area of review;	Reserve.XXX.NMAC	(x) A map of the area of review;	Text is identical	
759	40 CFR 146.95(c)(5)	The names of any public water supplies affected, reasonably likely to be affected, or served by USDWs in the area of review; and,	Reserve.XXX.NMAC	(x) The names of any public water supplies affected, reasonably likely to be affected, or served by USDWs in the area of review; and,	Text is identical	
760	40 CFR 146.95(c)(6)	The results of UIC-Public Water System Supervision consultation required under paragraph (b)(2) of this section.	Reserve.XXX.NMAC	(x) The results of UIC-Public Water System Supervision consultation required under paragraph (b)(2) of this section.	Similar to CFR	
761	40 CFR 146.95(d)	Following public notice, the Director shall provide all information received through the waiver application process to the Regional Administrator. Based on the information provided, the Regional	Reserve.XXX.NMAC	(x) Following public notice, the Director shall provide all information received through the waiver application process to the Regional Administrator. Based on the information provided, the Regional Administrator shall provide written concurrence or	Text is identical	

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Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
		Administrator shall provide written concurrence or non-concurrence regarding waiver issuance.		non-concurrence regarding waiver issuance.		
762	40 CFR 146.95(d)(1)	If the Regional Administrator determines that additional information is required to support a decision, the Director shall provide the information. At his or her discretion, the Regional Administrator may require that public notice of the new information be initiated.	Reserve.XXX.NMAC	(x) If the Regional Administrator determines that additional information is required to support a decision, the Director shall provide the information. At his or her discretion, the Regional Administrator may require that public notice of the new information be initiated.	Text is identical	
763	40 CFR 146.95(d)(2)	In no case shall a Director of a State-approved program issue a waiver without receipt of written concurrence from the Regional Administrator.	Reserve.XXX.NMAC	(x) In no case shall the Director issue a waiver without receipt of written concurrence from the Regional Administrator.	Text is identical	
764	40 CFR 146.95(e)	If a waiver is issued, within 30 days of waiver issuance, EPA shall post the following information on the Office of Water's Web site:	Reserve.XXX.NMAC	(x) If a waiver is issued, within 30 days of waiver issuance, EPA shall post the following information on the Office of Water's Web site:	Text is identical	
765	40 CFR 146.95(e)(1)	The depth of the proposed injection zone(s);	Reserve.XXX.NMAC	(x) The depth of the proposed injection zone(s);	Text is identical	

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Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
766	40 CFR 146.95(e)(2)	The location of the injection well(s);	Reserve.XXX.NMAC	(x) The location of the injection well(s);	Text is identical	
767	40 CFR 146.95(e)(3)	The name and depth of all USDWs within the area of review;	Reserve.XXX.NMAC	(x) The name and depth of all USDWs within the area of review;	Text is identical	
768	40 CFR 146.95(e)(4)	A map of the area of review;	Reserve.XXX.NMAC	(x) A map of the area of review;	Text is identical	
769	40 CFR 146.95(e)(5)	The names of any public water supplies affected, reasonably likely to be affected, or served by USDWs in the area of review; and	Reserve.XXX.NMAC	(x) The names of any public water supplies affected, reasonably likely to be affected, or served by USDWs in the area of review; and	Text is identical	
770	40 CFR 146.95(e)(6)	The date of waiver issuance.	Reserve.XXX.NMAC	(x) The date of waiver issuance.	Text is identical	
771	40 CFR 146.95(f)	Upon receipt of a waiver of the requirement to inject below the lowermost USDW for geologic sequestration, the owner or operator of the Class VI well must comply with:	Reserve.XXX.NMAC	(x) Upon receipt of a waiver of the requirement to inject below the lowermost USDW for geologic sequestration, the owner or operator of the Class VI well must comply with:	Text is identical	
772	40 CFR 146.95(f)(1)	All requirements at §§ 146.84, 146.85, 146.87, 146.88, 146.89, 146.91, 146.92, and 146.94;	Reserve.XXX.NMAC	(x) All requirements at §§ 146.84, 146.85, 146.87, 146.88, 146.89, 146.91, 146.92, and 146.94;	Similar to CFR	
773	40 CFR 146.95(f)(2)	All requirements at § 146.86 with the following modified requirements:	Reserve.XXX.NMAC	(x) All requirements at § 146.86 with the following modified requirements:	Similar to CFR	
774	40 CFR 146.95(f)(2)(i)	The owner or operator must ensure that Class VI wells with a waiver are	Reserve.XXX.NMAC	(x) The owner or operator must ensure that Class VI wells with a waiver are constructed and	Similar to CFR	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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		constructed and completed to prevent movement of fluids into any unauthorized zones including USDWs, in lieu of requirements at § 146.86(a)(1).		completed to prevent movement of fluids into any unauthorized zones including USDWs, in lieu of requirements at § 146.86(a)(1).		
775	40 CFR 146.95(f)(2)(ii)	The casing and cementing program must be designed to prevent the movement of fluids into any unauthorized zones including USDWs in lieu of requirements at § 146.86(b)(1).	Reserve.XXX.NMAC	(x) The casing and cementing program must be designed to prevent the movement of fluids into any unauthorized zones including USDWs in lieu of requirements at § 146.86(b)(1).	Similar to CFR	
776	40 CFR 146.95(f)(2)(iii)	The surface casing must extend through the base of the nearest USDW directly above the injection zone and be cemented to the surface; or, at the Director's discretion, another formation above the injection zone and below the nearest USDW above the injection zone.	Reserve.XXX.NMAC	(x) The surface casing must extend through the base of the nearest USDW directly above the injection zone and be cemented to the surface; or, at the Director's discretion, another formation above the injection zone and below the nearest USDW above the injection zone.	Text is identical	
777	40 CFR 146.95(f)(3)	All requirements at § 146.90 with the following modified requirements:	Reserve.XXX.NMAC	(x) All requirements at § 146.90 with the following modified requirements:	Similar to CFR	
778	40 CFR 146.95(f)(3)(i)	The owner or operator shall monitor the groundwater quality,	Reserve.XXX.NMAC	(x) The owner or operator shall monitor the groundwater quality, geochemical changes, and	Text is identical	

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		geochemical changes, and pressure in the first USDWs immediately above and below the injection zone(s); and in any other formations at the discretion of the Director.		pressure in the first USDWs immediately above and below the injection zone(s); and in any other formations at the discretion of the Director.		
779	40 CFR 146.95(f)(3)(ii)	Testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (e.g., the pressure front) by using direct methods to monitor for pressure changes in the injection zone(s); and, indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys and/or down-hole carbon dioxide detection tools), unless the Director determines, based on site-specific geology, that such methods are not appropriate.	Reserve.XXX.NMAC	(x) Testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (e.g., the pressure front) by using direct methods to monitor for pressure changes in the injection zone(s); and, indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys and/or down-hole carbon dioxide detection tools), unless the Director determines, based on site-specific geology, that such methods are not appropriate.	Text is identical	
780	40 CFR 146.95(f)(4)	All requirements at § 146.93 with the following, modified post-injection site care monitoring requirements	Reserve.XXX.NMAC	(x) All requirements at § 146.93 with the following, modified post-injection site care monitoring requirements	Similar to CFR	
781	40 CFR	The owner or operator	Reserve.XXX.NMAC	(x) The owner or operator shall	Text is identical	

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
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	146.95(f)(4)(i)	shall monitor the groundwater quality, geochemical changes and pressure in the first USDWs immediately above and below the injection zone; and in any other formations at the discretion of the Director.		monitor the groundwater quality, geochemical changes and pressure in the first USDWs immediately above and below the injection zone; and in any other formations at the discretion of the Director.		
782	40 CFR 146.95(f)(4)(ii)	Testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (e.g., the pressure front) by using direct methods in the injection zone(s); and indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys and/or down-hole carbon dioxide detection tools), unless the Director determines based on site-specific geology, that such methods are not appropriate;	Reserve.XXX.NMAC	(x) Testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (e.g., the pressure front) by using direct methods in the injection zone(s); and indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys and/or down-hole carbon dioxide detection tools), unless the Director determines based on site-specific geology, that such methods are not appropriate;	Text is identical	
783	40 CFR 146.95(f)(5)	Any additional requirements requested by the Director designed to ensure protection of USDWs above and below	Reserve.XXX.NMAC	(x) Any additional requirements requested by the Director designed to ensure protection of USDWs above and below the injection zone(s).	Text is identical	

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		the injection zone(s).				
Reserve.(A) NMAC - NM Amendments - Acquisition of Lands for Geologic Sequestration						
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(1) New Class VI permit applications shall not supersede existing mineral rights, existing surface rights or existing disposal rights.		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(2) An operator that desires to form a sequestration unit shall make and document a good faith attempt to acquire by option, lease, conveyance or other negotiated means the rights necessary for geologic sequestration within the proposed sequestration unit prior to resorting to the procedure for unitization of such interests.		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(3) The lands to be included shall be the reasonably ascertained areal extent, including necessary buffers, of migration of the sequestered carbon dioxide within the formation or formations based on known geologic information available at the time of the application		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(4) The commissioner of public lands or a state agency may grant to an operator rights for geologic sequestration on lands subject to		

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				its jurisdiction on such terms as it finds are reasonable and that provide compensation equal to the fair market value of the rights.		
Reserve.(B) NMAC - NM Amendments - Unitization of Sequestration Facilities						
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(1) An operator may apply to the division for an order unitizing a geologic formation or formations for geologic sequestration of carbon dioxide to be included within the proposed sequestration unit		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(2) An application for sequestration facility unitization filed pursuant to this section shall contain:		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(a) a copy of a permit or draft permit for injection of carbon dioxide.		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(b) a description of the proposed geologic formation or formations and a plat of the surface lands proposed to be included in the proposed sequestration unit, including identification of the buffer and subsurface monitoring zones;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(c) the names and addresses of the owners of the surface estate within the proposed sequestration unit and of lands within one-half mile of the exterior boundary of		

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				the proposed sequestration unit as disclosed by:		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(i) the records of the county assessor of each county in which the proposed sequestration unit is to be located with respect to privately owned land; and		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(ii) the bureau of land management with respect to federal lands, the commissioner of public lands with respect to state trust lands and the applicable state agency owning the surface estate with respect to lands owned by the state but not subject to the jurisdiction of the commissioner of public lands;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(iii) the names and addresses of the owners of the mineral estate and mineral lessees within the proposed sequestration unit and for all lands within one-half mile of the exterior boundary of the proposed sequestration unit;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(iv) the names and addresses of the owners of the pore space estate within the proposed sequestration unit and for all lands within one-half mile of the exterior boundary of the proposed sequestration unit;		
	No Equivalent Federal		Reserve.XXX.NMAC	(v) evidence of the following:		

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	Requirement					
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(A) geologic evidence establishing the storage capability of the formation to accept and sequester carbon dioxide;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(B) an estimate of the quantity and volume of carbon dioxide		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(C) the pressure of the storage zone and proposed injection pressure		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(D) if available, the proposed locations of wells, types of wells, anticipated total depth of the wells, the casing program for the wells and the proposed locations of sequestration facilities		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(E) the depth of all fresh water aquifers and location of any water wells within the sequestration unit and buffer zone;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(F) the date the proposed plan is desired to become effective;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(G) the anticipated date of the commencement of development of sequestration facilities;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(H) the anticipated date of the commencement of injection operations;		
	No Equivalent		Reserve.XXX.NMAC	(I) the estimated period of time it		

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	Federal Requirement			will take to complete the construction of the sequestration facility;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(J) the estimated life of the injection operations;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(K) the estimated pressure in the formation at the end of the injection operations;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(L) the amount per acre or the amount per volume of carbon dioxide injected that the operator proposes to pay to compensate the owners of the surface estate, including owners in the designated buffer area and, if severed, the owners of the subsurface formation or formations containing pore space within the sequestration unit in which the carbon dioxide is to be injected for sequestration. Each owner of the formation or formations shall be deemed for all purposes to have an equal amount of capacity to store sequestered carbon dioxide and shall be compensated on a surface acreage basis for such injection and storage; and		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(M) the amount per acre that the operator proposes to pay to compensate the surface owners or,		

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				if severed, the owners of the formation or formations within the buffer and monitoring zones.		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC) Upon receipt of a Class VI application for geologic sequestration, the Division shall set the matter for hearing and, in addition to notice otherwise required by law or the division's rules, shall cause the applicant to give notice of the hearing, specifying the time and place of the hearing and describing briefly its purpose and the land and formations affected, to be mailed by certified mail at least thirty days prior to the hearing to all persons whose names and addresses are required to be listed in the application.		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(4) Upon receipt of an application for unitization, the division shall set the matter for hearing and, in addition to notice otherwise required by law or the Division's rules, shall cause the applicant to give notice of the hearing, specifying the time and place of the hearing and describing briefly its purpose and the land and formations affected,		

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				to be mailed by certified mail at least thirty days prior to the hearing to all persons whose names and addresses are required to be listed in the application.		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(5) If the proposed unitization order concerns unknown or non-locatable owners and interest holders, the applicant shall publish notice once a week for two consecutive weeks in the newspaper of the largest circulation in each county in which the proposed sequestration unit is located and shall file proof of notice with the Division concurrently with the application. The first notice shall appear at least thirty days prior to, and the second notice no more than twenty-five days from, the hearing on the application for a sequestration unit order. The notice shall:		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(a) State that an application for a sequestration unit has been filed with the Division;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(b) Describe the land proposed to be unitized and the buffer area and any monitoring area;		
	No Equivalent Federal		Reserve.XXX.NMAC	(c) in the case of an unknown owner or interest holder, indicate		

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	Requirement			the name of the last known owner or interest holder;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(d) in the case of a non-locatable owner or interest holder, identify the name of the owner or interest holder and the owner's or interest holder's last known address; and		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(e) state that any person claiming an interest in the formations or lands proposed to be unitized should notify the Director and the operator of the proposed sequestration facility at the published address within twenty days of the publication date of the most recent notice.		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(6) After considering the application and hearing the evidence offered regarding the application, the division may enter an order setting forth the following findings if established by the evidence presented:		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(a) The geologic formation sought to be unitized is suitable for the geologic sequestration of carbon dioxide and its use for such purposes is in the public interest;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(b) The geologic formation sought to be unitized will contain the carbon dioxide and will not contaminate fresh water;		

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	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(c) The geologic formation sought to be unitized will contain the carbon dioxide and will not contaminate oil, gas, condensate, potash or other commercial mineral deposits capable of being produced in paying quantities, unless all the owners, mineral lessees and other parties owning interests in such oil, gas, condensate, potash or other commercial mineral deposits have consented to the sequestration unit;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(d) The geologic formation sought to be unitized will contain the carbon dioxide and will not interfere with existing or planned injection of produced water, carbon dioxide or other fluids from ongoing oil and gas or mineral operations;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(e) the application denotes the areal extent of migration of the injected carbon dioxide within the underground stratum or formation and that all lands reasonably determined to be within the migration zone are included within the sequestration unit;		
	No Equivalent Federal		Reserve.XXX.NMAC	(f) the anticipated volume of carbon dioxide planned to be		

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	Requirement			sequestered in the sequestration unit;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(g) the compensation to be paid by the operator to the owners of the surface or, if severed, the owners of the formation or formations within the sequestration unit is fair, just and equitable;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(h) the compensation to be paid by the operator to the owners of the surface or, if severed, the owners of the formation or formations within the buffer area or any monitoring area is fair, just and equitable;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(i) the compensation to be paid by the operator to the owners of the surface where sequestration facilities are to be built on the surface, including roads and pipelines, is fair, just and equitable;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(j) no portion of the subsurface sought to be unitized is being used, or is currently being proposed to be used, for production of oil, natural gas, potash or any other mineral capable of being mined and marketed in paying quantities or for the geologic sequestration of		

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				carbon dioxide by others within the proposed sequestration unit, including its buffer;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(k) the sequestration unit does not include unleased state land without an agreement with the state land office;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(l) the applicant has made a good faith effort to secure voluntary unitization and has secured voluntary agreements from owners of at least eighty-five percent of the lands within the proposed sequestration unit;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(m) the application sets forth the following information:		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(i) the approximate anticipated date geologic sequestration would commence within the sequestration unit if approved;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(ii) the approximate date of commencement of the sequestration facilities if approved;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(iii) the anticipated pressures encountered within the formation or formations in which the sequestration is to occur;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(iv) the anticipated pressure required to sequester the carbon dioxide into the formation or		

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				formations;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(v) the estimated duration of the sequestration operations; and		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(vi) the areal extent of the migration of carbon dioxide sequestered into the sequestration unit; and		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(vii) the application includes additional provisions found to be appropriate for the operation of the sequestration facility and does not violate stipulations within the Oil and Gas Act for the prevention of waste and preservation of correlative rights.		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(7) The Division shall not issue an order approving the application until the applicant has received agreements in writing by persons owning at least eighty-five percent of the lands within the proposed sequestration unit. When the persons owning the required percentage of interest have approved the sequestration unit, the division may enter an order approving the application and unitizing the interests of all persons within the sequestration unit whether or not the persons		

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				have voluntarily agreed to the sequestration unit. If the required percentage of interest for a proposed sequestration facility does not approve the sequestration unit within a period of six months from the date of filing the application, the application shall be revoked by the division unless the division, for good cause shown, extends the time for ratification; provided that the time for ratification shall not be extended for more than six months.		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(8) An order entered by the Division pursuant to this section may be amended by the Division after notice and a hearing as follows:		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(a) for amendments concerning an expansion of the sequestration unit, notice shall be in the same manner and subject to the same conditions as notice provided in Subsections A and B of this section and to include all the interests in the area in which the additional lands considered for expansion are located;		
	No Equivalent		Reserve.XXX.NMAC	(b) for amendments dealing only		

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	Federal Requirement			with a modification of operations of the sequestration facility or sequestration unit, notice shall be sent to all owners of interests within the sequestration unit at the owners' last known address on file with the operator; and		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(c) for all other amendments, notice shall be in the same manner and subject to the same conditions as notice provided in Reserve.XXX.NMAC and;		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(d) A certified copy of any order of the division entered pursuant to this section shall be recorded in the land records of the counties where a portion of the sequestration unit and attendant buffer and monitoring zones are located.		
Reserve.(C) NMAC - NM Amendments - Effects of a Unitization Order						
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(1) Except to the extent that the parties affected agree, no order providing for a sequestration unit shall be construed to result in a transfer of all or any part of the title or other rights in any tract in the sequestration unit, except for the right to inject carbon dioxide into the formation or formations		

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				subject to the sequestration unit. The rights to use the surface for access and sequestration facilities requires a separate agreement between the surface owner and operator, and the terms of surface agreements shall treat all surface owners fairly. No agreement or order shall operate to violate the terms and requirements of any permit applicable to the formation or formations or the wells within the sequestration unit.		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(2) No order of the Division issued shall be construed to confer on any person the right of eminent domain, beyond the unitization of the sequestration unit.		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(3) Each of the tracts of land within the sequestration unit shall be allocated a pro rata share of the proceeds for the sequestration of carbon dioxide on an acreage basis, with the numerator being the number of acres within the tract divided by the total number of acres in the sequestration unit. Upon an expansion or contraction of the sequestration unit, the tract allocation percentages shall		

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				change based on the new acreage in the expanded or contracted sequestration unit, effective the first day of the month following approval by the division of the expansion or contraction.		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(4) Each tract's share shall be allocated and paid to the surface owners or, if previously severed, the owners of the subsurface formation or formations or the voids within the formations within the sequestration unit into which the carbon dioxide is to be injected for sequestration, the operator and any other persons owning interests in the sequestration of carbon dioxide within the tract on the basis of the agreement or agreements.		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(5) With respect to the interest of any party who cannot be located or whose identity cannot be ascertained, the operator shall deposit the unlocatable or unknown owner's share in an interest-bearing account in a national or state-chartered bank with deposits insured by the federal deposit insurance corporation for a period of five		

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				years or until the owner is located and the share distributed to the owner, whichever is less. If the share is not distributed to the owner in five years, on the anniversary of the fifth year, as provided in Paragraph (15) of Subsection A of Section 7-8A-2 NMSA 1978, such sum shall be paid to the taxation and revenue department to be distributed pursuant to Section 7-1-6.43 NMSA 1978.		
Reserve.(D) NMAC - NM Amendments - Ownership of Injected Carbon Dioxide						
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(1) All carbon dioxide injected into geologic sequestration in a sequestration unit shall be deemed the property of the operator. During the term of the sequestration unit and for so long as the sequestration unit agreement remains in force and effect, no surface or mineral interest owner or lessee shall have the right to produce, capture, take, reduce to possession, waste or otherwise interfere with or exercise any control over such		

Code of Federal Regulations			Proposed New Mexico Statutes and Regulations		Difference	EPA Review
Line #	Federal Citation	CFR Text	NM Citation	NM Rule Text		
				carbon dioxide within the sequestration unit unless approved by the operator and the division or except as to drilling operations through the formation subject to the sequestration unit for purposes of drilling to deeper depths and horizons for the extraction of oil, gas and other minerals.		
Reserve.(E) NMAC - NM Amendments - Effects of Certificates						
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(1) A person acting pursuant to a certificate or order issued by the Division in compliance with these rules, shall not be deemed to be a public utility subject to the provisions of the Public Utility Act or a common carrier as that term is used in the Oil and Gas Act solely because the person owns, controls or operates all or part of a carbon sequestration unit or carbon sequestration facility.		
Reserve.(F) NMAC - NM Amendments - Fees						
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(2) The division may levy on operators the following fees, which shall be paid to the division and deposited in the oil conservation division systems and hearings fund:		
	No Equivalent		Reserve.XXX.NMAC	(a) An annual regulatory fee for		

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	Federal Requirement			sequestration facilities approved. The annual regulatory fee shall be in an amount set by division rule, and the amount of the fee shall be based on the annual projected costs to the division for oversight and regulation of sequestration facilities; and		
	No Equivalent Federal Requirement		Reserve.XXX.NMAC	(b) application fees for applications, certificates or orders, the amounts of which shall be set by division rule; provided that the amount of the fee shall be based on the anticipated cost of processing the application for which the fee is levied.		