

NOTICE OF PUBLIC HEARING FOR PROPOSED RULEMAKING

The New Mexico Oil Conservation Commission (Commission) hereby gives notice that the Commission will hold a public hearing to consider proposed adoption of Commission rules at 19.15.41, 19.15.42, & 19.15.43 NMAC. New Mexico Energy, Minerals, and Natural Resources Department proposes the rules. The public hearing will be held in-person, online, and by telephone commencing July 27, 2026, at 9:00 am and continuing each weekday thereafter as necessary.

Purpose of Proposed Rules. The purpose of the proposed rules is to establish the regulatory framework necessary for the State to obtain primacy for the Class VI Underground Injection Control (UIC) program from the U.S. Environmental Protection Agency (EPA). Upon approval, the State would assume primary responsibility for the permitting, compliance, and enforcement of Class VI wells used for the geologic sequestration of carbon dioxide.

Summary of Proposed Rule. The proposed rule would establish the regulatory framework necessary for the State through the New Mexico Oil Conservation Division (“OCD”) and the New Mexico Energy, Minerals, and Natural Resources Department (“EMNRD”) to obtain primacy for the Class VI Underground Injection Control (“UIC”) program from the U.S. Environmental Protection Agency (“EPA”). The proposed rule substantially reflects the content of the existing federal analog, with sections that increase stringency to meet the specific needs and experience in New Mexico. Upon approval, the State would assume primary responsibility for the permitting, compliance, and enforcement of Class VI wells used for the geologic sequestration of carbon dioxide.

Legal Authority. The proposed rule is authorized by the Geologic Carbon Dioxide Storage Stewardship Act NMSA 1978, Sections 74-14-1 through 74-14-7 and the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38, including Section 70-2-6 (authorizing Commission to exercise jurisdiction, authority, and control over all persons, matters, and things necessary or proper to enforce the statute), Section 70-2-11 (authorizing OCD to make and enforce rules, regulations and orders), and Section 70-2-12 (enumerating powers of Commission and Oil Conservation Division (OCD)). The public hearing is governed by the Commission’s rule on rulemaking proceedings at 19.15.3 NMAC.

Availability of Proposed Rule. The full text of the proposed rule is available on OCD’s website at <http://www.emnrd.nm.gov/OCD/rules.html> or may be obtained from Commission Clerk Sheila Apodaca at occ.hearings@emnrd.nm.gov.

Additionally, all technical documents and information that served as a basis for the proposed rule are available at OCD’s website at <http://www.emnrd.nm.gov/OCD/rules.html>. The federal criteria and standards applicable to Class VI Wells can be found at 40 CFR Part 146, Subpart H, and 75 FR 77230 (2010). Related records can be found at 73 FR 43492 (2008), 73 FR 50740 (2008), 73 FR 70610 (2008) and 74 CFR 44802 (2009).

Written Comments. Any person may submit written comments on the proposed amendments no later than 5:00 pm on the final day of the evidentiary hearing unless extended by the Commission, by mail or delivery to Sheila Apodaca, Commission Clerk, Wendell Chino Building, 1220 S. St. Francis Drive, Santa Fe, NM 87505, or by email to the Commission Clerk at occ.hearings@emnrd.nm.gov.

Public Hearing. The public hearing will be held in-person, online, and by telephone commencing on July 27, 2026, at 9:00 am and continuing each weekday thereafter as necessary. The hearing will be held in Pecos Hall on the first floor of the Wendell Chino Building at the address above. To access the public hearing online via Microsoft Teams or by telephone:

Join Teams Meeting

Join: <https://teams.microsoft.com/meet/295417415162748?p=nBNL1maxYImCTkLIj6>

Meeting ID: 295 417 415 162 748

Passcode: mB7R8JB7; or

<https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting> and enter the meeting ID and passcode listed above.

Dial in by phone:
(888) 506-1357, 664682248# United States (Toll-free)
Phone conference ID: 664 682 248#

For questions about how to participate in the hearing, please contact the Commission Clerk at occ.hearings@emnrd.nm.gov or 505-699-8358, or visit the Hearings page on OCD's website at <http://www.emnrd.state.nm.us/OCD/hearings.html>.

Public comments will be accepted for one hour each day of the hearing beginning at 9:00 a.m. on the second day of the hearing, and every subsequent day that testimony and evidence is presented. A Spanish language translator will be available at 9:00 a.m. on August 4, 7, and 11, 2026. The translator will only be made available until the close of the evidentiary hearing. If the evidentiary hearing closes before any of these dates, public comments will no longer be taken, and a translator will not be available.

Proposed Modifications, Technical Testimony, and Cross-Examination. Any person intending to propose a modification to the proposed amendments, to present technical testimony at the hearing, or to cross-examine witnesses must file a Pre-hearing Statement conforming to the requirements of 19.15.3.11.B NMAC, except that instead of filing a concise statement of each witness's testimony as required by 19.15.3.11.B(2) NMAC, the person shall file each witness's full testimony. A scheduling order will be entered by the commission or the hearing officer, setting forth the deadlines for these submissions. The scheduling order will be filed in the case file, which can be accessed here: <https://ocdimage.emnrd.nm.gov/Imaging/CaseFileView.aspx?CaseNo=25875>. If the filing party does not have an OGRID number, filing may be accomplished by mail or delivery to Sheila Apodaca, Commission Clerk, Wendell Chino Building, 1220 S. St. Francis Drive, Santa Fe, NM 87505, or by email to the Commission Clerk at occ.hearings@emnrd.nm.gov. Any person who presents technical testimony will be subject to cross-examination by the members of the Commission, the Commission's counsel, or another person who filed a Pre-hearing Statement.

Oral Comments. Any person who did not file a Pre-hearing Statement may present non-technical testimony or make an unsworn statement at the hearing and may offer exhibits at the hearing so long as the exhibits are relevant to the proposed rule and do not unduly repeat testimony. Any person who presents sworn, non-technical testimony will be subject to cross-examination by the Commission, the Commission's counsel, or another person who has filed a Pre-hearing Statement.

Persons with Disabilities. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, including a summary or other accessible form of document, please contact the Commission Clerk at occ.hearings@emnrd.nm.gov or 505-699-8358 or through the New Mexico Relay Network at 1-800-659-1779, no later than 5:00 pm on July 13, 2026.

Technical Information. Technical information that may be provided through Pre-hearing Statements and written technical testimony will be made publicly available on the OCD Imaging, Case File Search portal on OCD's website at <http://ocdimage.emnrd.state.nm.us/imaging/CaseFileCriteria.aspx>, and may be accessed by searching for Case File No. 25875.