

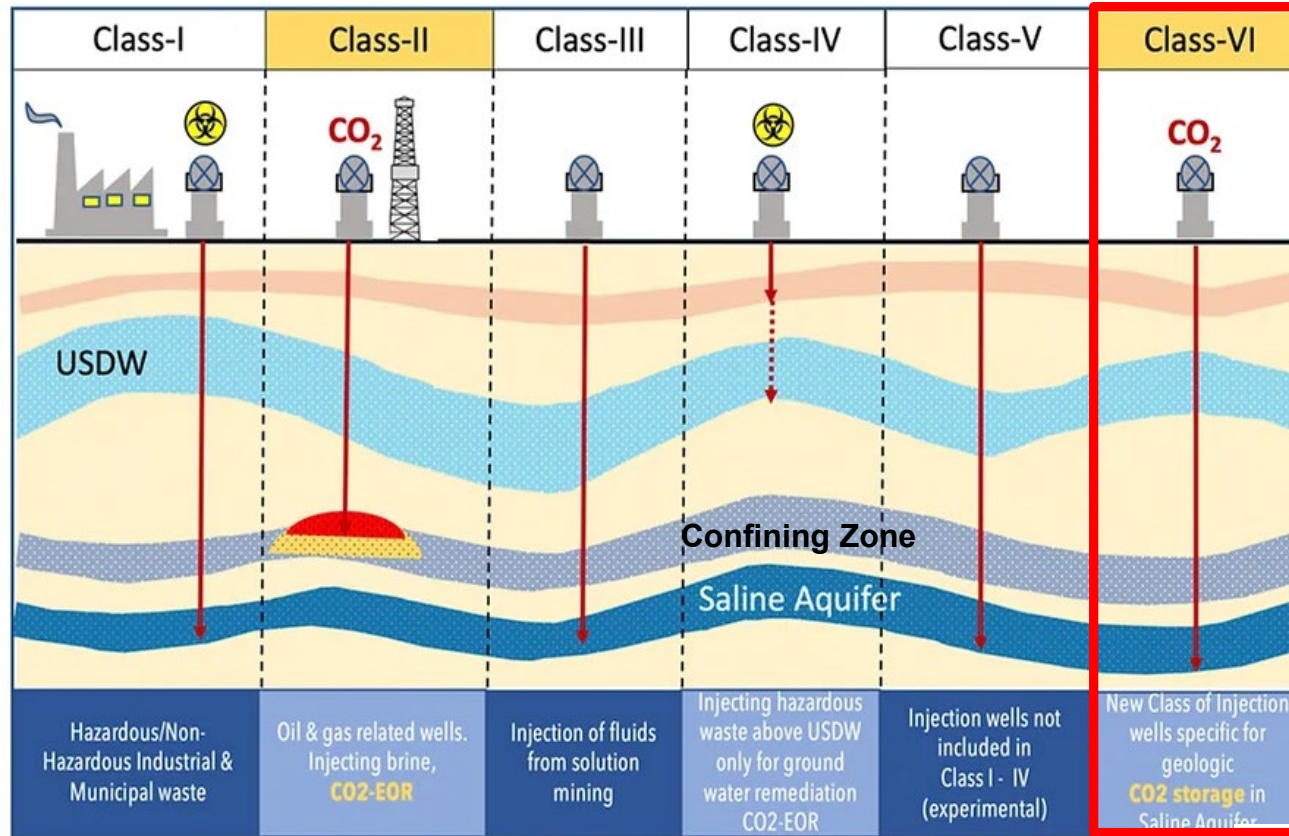


# Community Workshop New Mexico Class VI Primacy 5/22/2025

# **CLASS VI PERMITTING OVERVIEW**

# Injection Well Class Types

## UIC Well Class Distinctions



Source: EPA, Siddiqui, (2022).

By: Tariq Siddiqui; MAR.

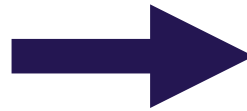
## Highlights

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

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

## Special Considerations for CCS in UIC Program

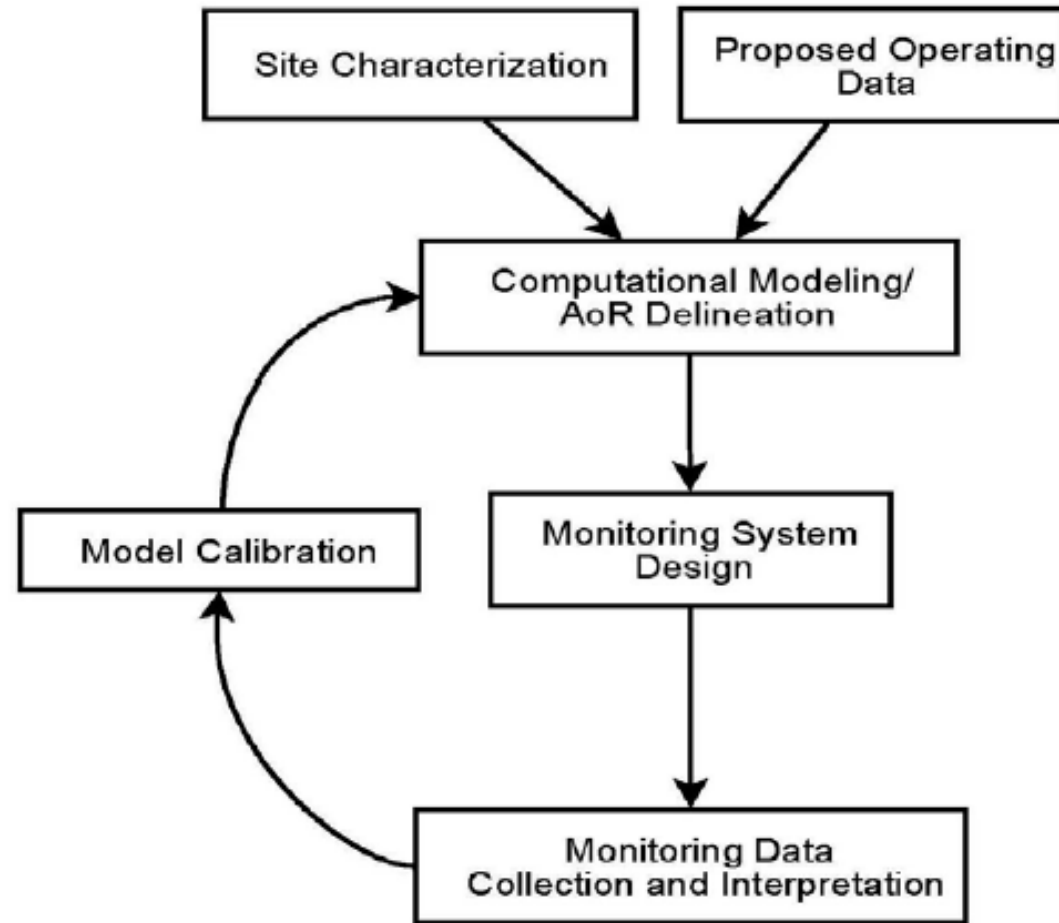
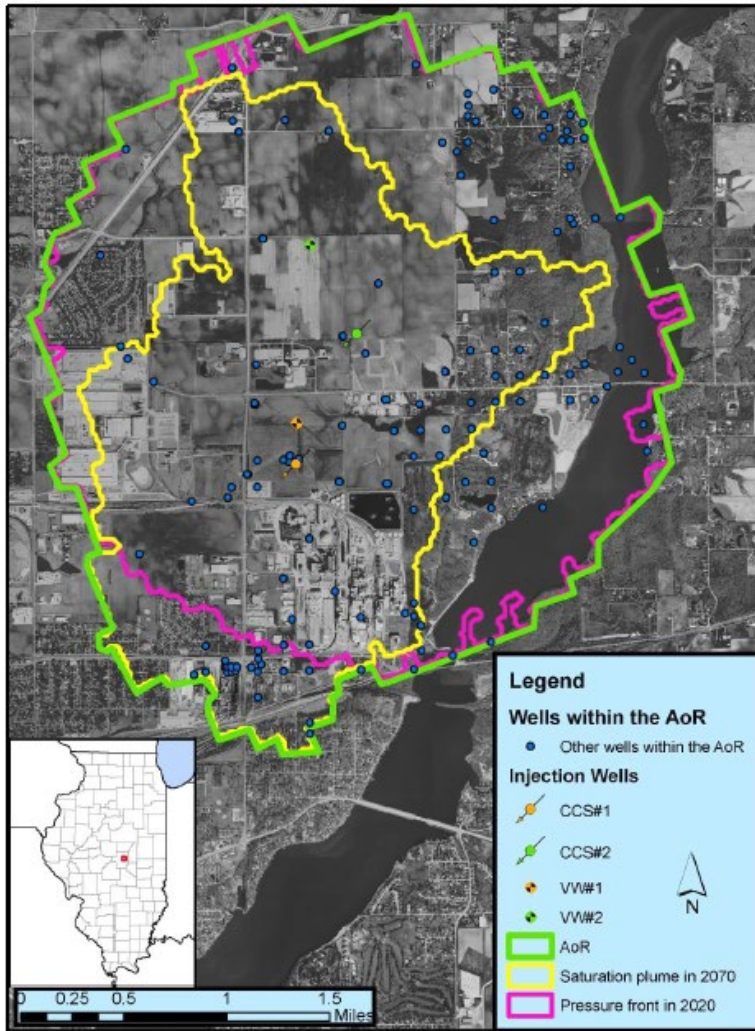
- Large Volumes
- Buoyancy
- Viscosity (Mobility)
- Corrosivity



## UIC Program Elements

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

# Class VI Regulations Use Modeling and Monitoring to Define Aquifer Protection Area Area of Review (AoR)

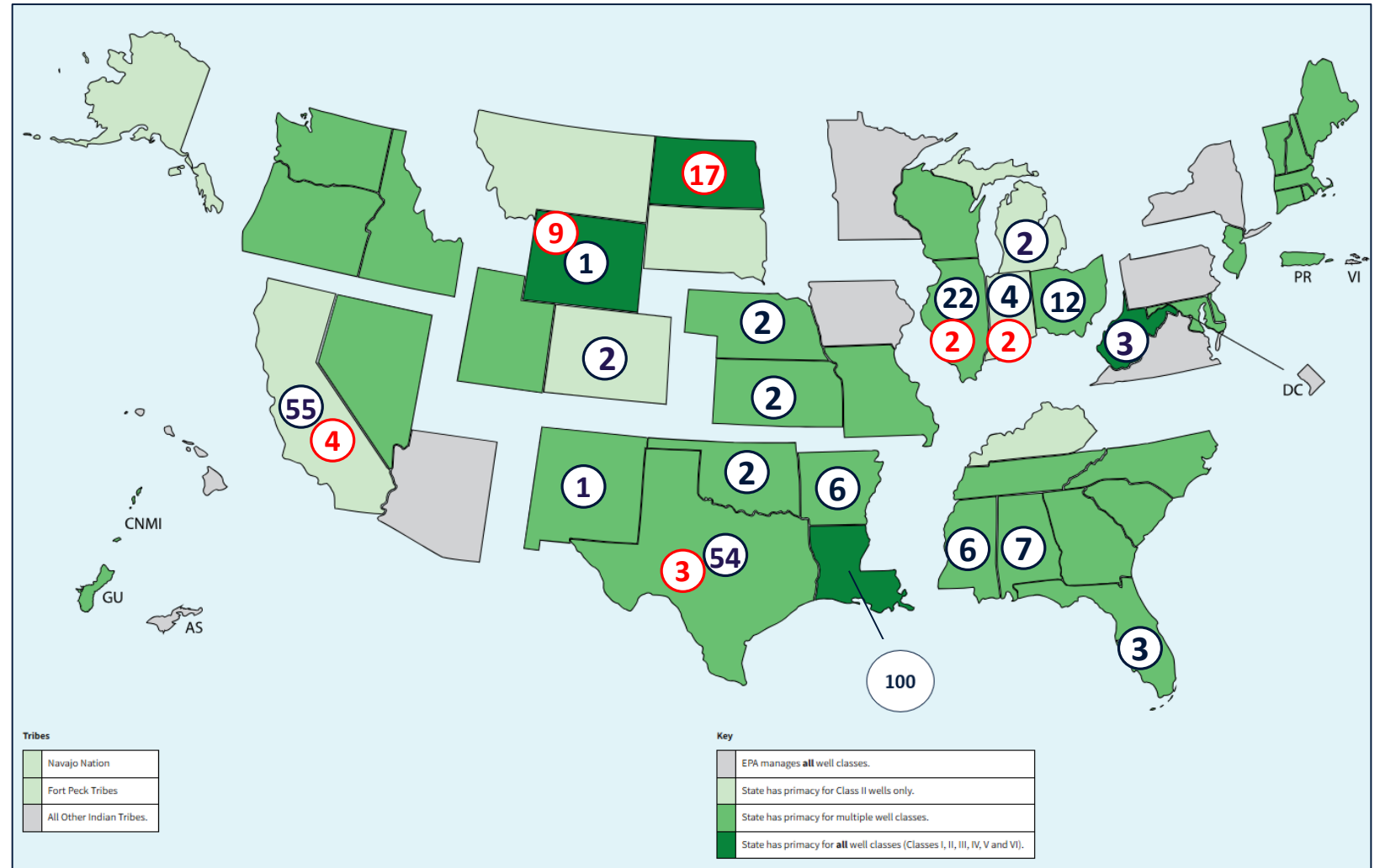


ADM CCS WELL #1 MACON COUNTY IL

# Class VI Permit Count

## Highlights

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



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

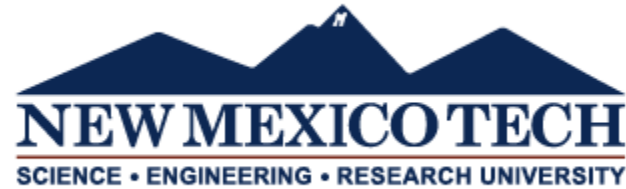
○ Submitted Applications    ⊗ Issued Class VI Permits



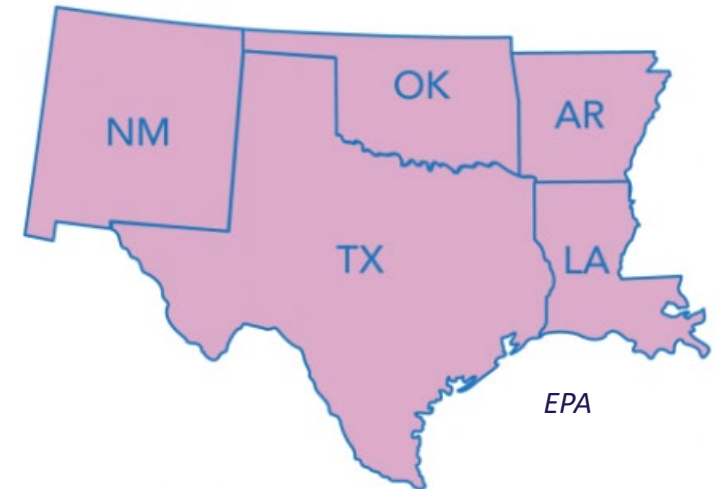
# **NEW MEXICO CLASS VI PRIMACY**

# New Mexico Primacy Overview

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



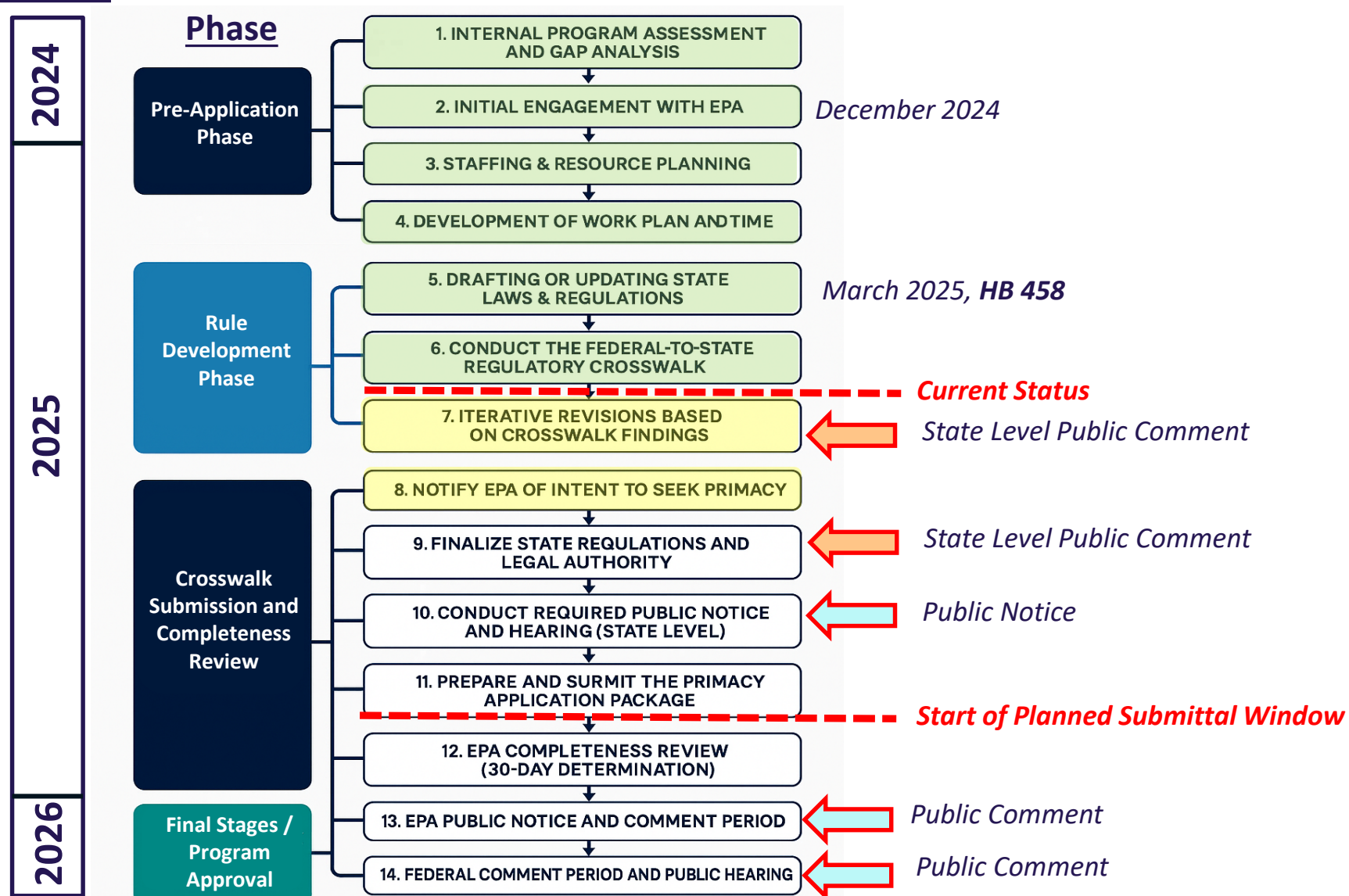
## EPA Region 6



*Region 6 serves 5 states and 66 tribes*

# Class VI Primacy Activity

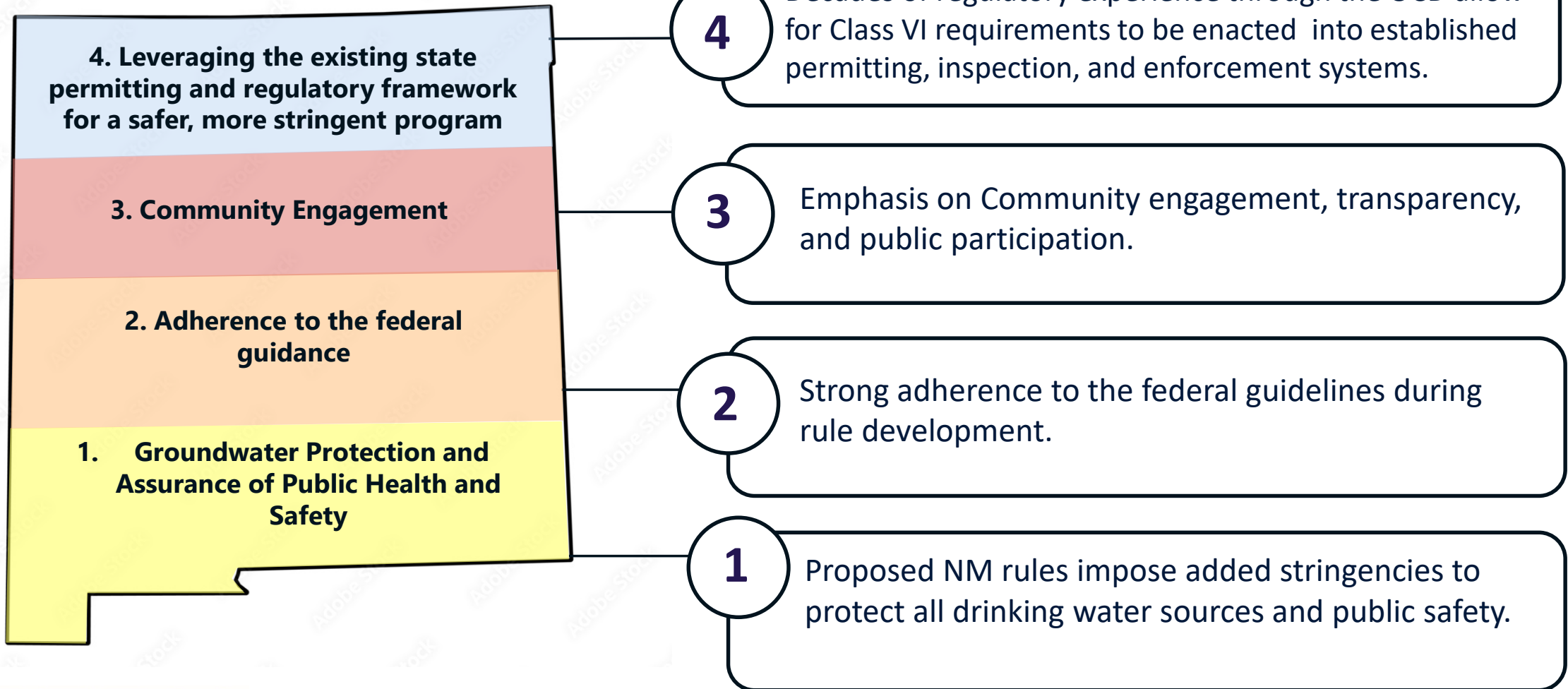
## Timeline



Source: DBS&A

# New Mexico's Class VI Rulemaking Approach

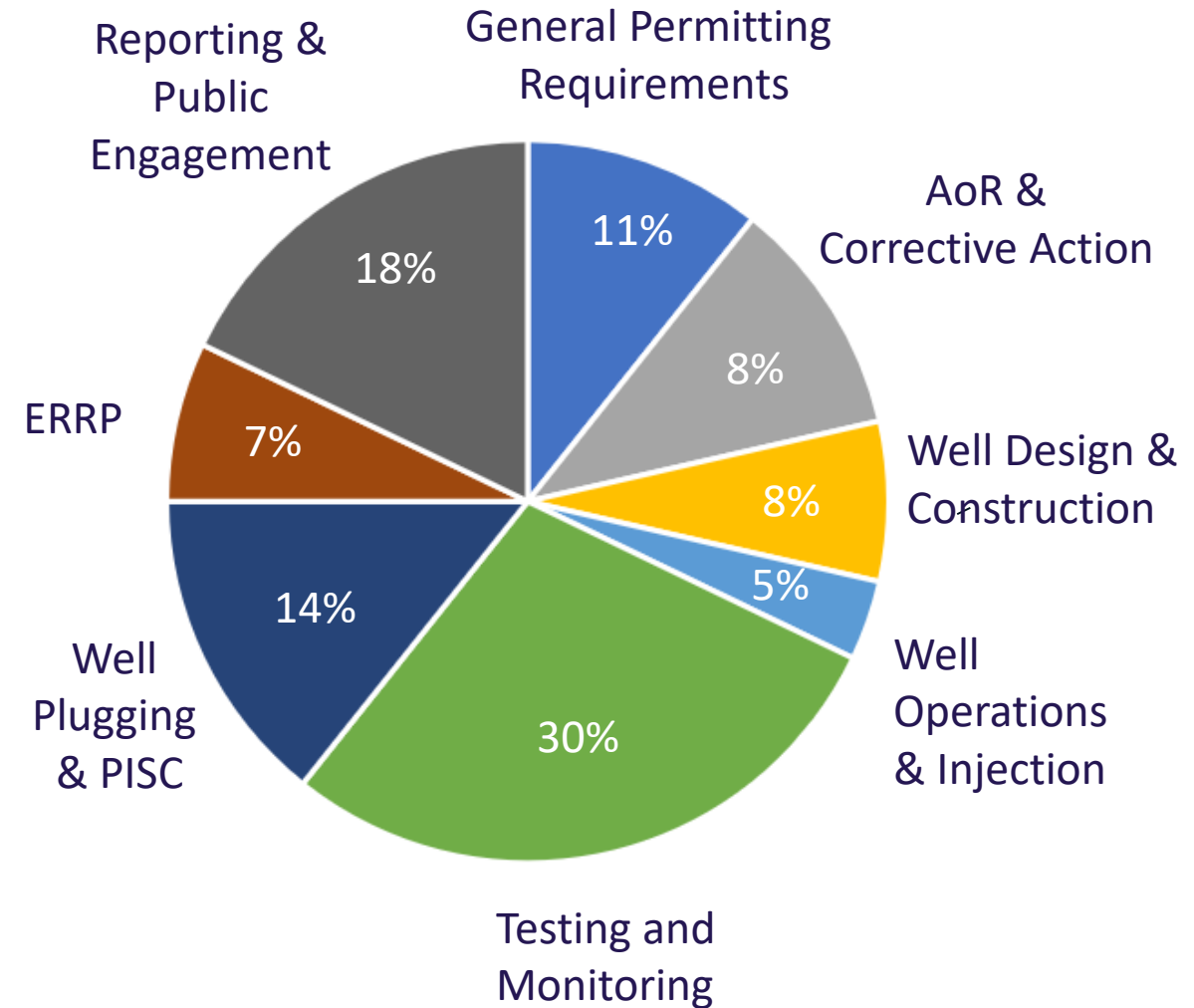
## Pillars of NM Rulemaking Approach



# New Mexico Draft Class VI Components with Increased Stringency













## Class VI Technical Program Components

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



# Draft New Mexico Rule Testing & Monitoring Requirements

## Key Class VI Monitoring Technologies

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



= Required by the federal rules



= Required by the proposed NM rules

## Highlights

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

# Class VI Community Engagement

## Proposed Community Engagement & Outreach Amendments to New Mexico Class VI Rules

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

# Final Thoughts & Next Steps

- **New Mexico is well positioned** to administer a strong, scientifically grounded Class VI program tailored to the state’s unique geology, regulatory landscape, and environmental priorities.

- **Interagency coordination will remain essential.** Continued collaboration between OCD, EMNRD, New Mexico Tech, and EPA Region 6 ensures regulatory readiness and technical strength.

- **Public engagement and tribal consultation planning** will be a key focus to promote transparency and meet New Mexico and the EPA’s standards for meaningful outreach.

- **Submission of the Class VI primacy application** to EPA is targeted in the coming months.

## Primacy Application Timeline

<b>Technical and Legal Class VI Primacy Rulemaking Support for the State of New Mexico, Energy, Minerals and Natural Resources Department, OCD</b>	SERVICES ISSUED BY THE STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, OIL CONSERVATION DIVISION
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Lead Institution - New Mexico Tech Petroleum Recovery Research Center

Subawards: D.B. Stephens & Associates, Gallagher & Kennedy, HBW Resou

Project Duration 24 months

Period of Performance 08/01/24 - 07/31/26

Task	TASK TITLE	START DATE	DUE DATE	MONTHS DURATION	YEAR ONE												YEAR 2								
					Q1			Q2			Q3			Q4			Q5		Q6		Q7		Q8		
					AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR
1	A. Task 1: Class VI Research and Planning	08/01/24	10/31/24	3	█																				
2	B. Task 2: Class VI Rule Development	09/01/24	2/28/25	6		█	█	█	█																
3	C. Task 3: Stakeholder Education and Engagement	01/01/25	09/30/25	9						█	█	█	█	█											
4	D. Task 4: Proposed Rule Development	02/01/25	10/31/25	9							█	█	█	█	█										
5	E. Task 5: EPA Preapplication Review Package	02/01/25	10/31/25	9							█	█	█	█	█										
6	Task 6: Undertake State Level Class VI Rulemaking	08/01/25	7/31/26	12											█	█	█	█	█	█	█	█	█	█	█
7	G. Task 7: Formal Class VI Application for Submittal to EPA	11/01/25	7/31/26	9													█	█	█	█	█	█	█	█	█
8	H. Task 8: Identify Potential State-Level Legislative Changes Necessary to Support a Successful Class VI Program	02/01/24	7/31/25	6						█	█	█													
9	I. Task 9: General Legal Support	02/01/25	7/31/26	18							█	█	█	█	█	█	█	█	█	█	█	█	█	█	█

present day