

Apodaca, Sheila, EMNRD

From: Saraswati Khalsa <saraswati.kaur.khalsa@gmail.com>
Sent: Monday, August 3, 2026 9:39 AM
To: Hearings, OCC, EMNRD
Subject: [EXTERNAL] Public Comment on OCD Case No. 25875
Attachments: Pdf copy_Raney email re Class VI.pdf

You don't often get email from saraswati.kaur.khalsa@gmail.com. [Learn why this is important](#)

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Below please find my public comment given this morning at the hearing and attached the email obtained via IPRA and given to me by Colin Cox, an attorney with Center for Biological Diversity.

Good morning. My name is Saraswati Khalsa and I live in Espanola. You might remember that in November last year the WQCC voted to rescind its decision to revisit the rule prohibiting discharge of treated produced water because the vote to allow a new hearing had been tainted by the actions of the Governor's office - it was revealed by a reporter that the 'Governor's office instructed her agency heads to sit personally on the WQCC and "get this over the finished line."

And that is what they tried to do, until a journalist and the public called them out and the WQCC was forced to backtrack.

Now we learn that the Governor is again interfering in the regulatory process in service of the oil and gas industry. In an email written on July 8th 2025 Jennifer Raney from New Mexico Tech sent an email to two folks at G&K, Dalva Moellenberg and Anthony Trujillo, copied to Justin Wrinkle and Jesse Tremaine of OCD, asking for a memo regarding the proposed rule before you.

The heart of the email, which was obtained via an IPRA request, reads:

"Dal and TJ,

The time has arrived where we require G&K's legal expertise for the Class VI primacy rulemaking package that New Mexico plans to submit to EPA Region 6. We had planned to submit the draft version of the crosswalk and the rules next week, but there are immediate concerns that these proposed rules will need to be approved (and heavily modified) by both WQCC and OCC before we arrive at a comprehensive package, and that could set us back up to 6 months or more. Seeing as the Governor's office would like to expedite this process as much as possible, we'd like to honor her request to run this through the OCC only, and would welcome any creative solutions from your end that support an approval process that does not also burden the WQCC Board.

In light of this, OCD is requesting a memo from G&K that describes the proposed rules, incorporates all various CO2 waste streams (beyond oil and gas), and why/how/if existing statutes justify the Class VI program falling under the umbrella of OCD. Are you available today or any other day this week to speak with Jesse and Justin about this."

It appears that G&K did find a "creative solution" so that the WQCC wouldn't be burdened, just as the Governor and OCD requested.

Much like the produced water debacle, this rulemaking is now tainted by the Governor's interference and the naked bias revealed by the efforts of OCD to avoid a review by the Water Quality Control Commission!

The public has been betrayed by this administration, once again, and our water and health put at risk for the benefit of the oil and gas industry and their pursuit of a false climate solution - carbon capture - that has been proven time and again a dangerous distraction from taking real action to stop the combustion of fossil fuels before the whole world is on fire. This rulemaking, too, is tainted and must be thrown out.



Outlook

Re: [EXTERNAL] RE: Urgent: Request for Memo on Class VI Primacy Rulemaking Authority

From Raney, Jennifer <jennifer.raney@nmt.edu>**Date** Tue 2025-07-08 9:37 AM**To** Moellenberg, Dalva L. <dml@gknet.com>**Cc** Tremaine, Jesse, EMNRD <JesseK.Tremaine@emnrd.nm.gov>; Trujillo, TJ <ajt@gknet.com>; Wrinkle, Justin, EMNRD <Justin.Wrinkle@emnrd.nm.gov>

Hi Dal,

Should we hop on a call at 11:45?

On Tue, Jul 8, 2025 at 11:27 AM Moellenberg, Dalva L. <DLM@gknet.com> wrote:

Jennifer,

Are you planning to join/arrange this call, or should we just arrange a time with Jesse and Justin? If the latter, I can send a Teams invitation for 11:30 or Noon.

Dal

From: Tremaine, Jesse, EMNRD <JesseK.Tremaine@emnrd.nm.gov>**Sent:** Tuesday, July 8, 2025 11:17 AM**To:** Moellenberg, Dalva L. <DLM@gknet.com>; Raney, Jennifer <jennifer.raney@nmt.edu>; Trujillo, Anthony J. <AJT@gknet.com>**Cc:** Wrinkle, Justin, EMNRD <Justin.Wrinkle@emnrd.nm.gov>**Subject:** RE: [EXTERNAL] RE: Urgent: Request for Memo on Class VI Primacy Rulemaking Authority

I can also be available at 4 pm. If it doesn't work for Justin, I'll just handle this meeting without him.

Jesse K. Tremaine

Legal Director, Oil Conservation Division

Office of General Counsel

New Mexico Energy, Minerals & Natural Resources Department

[1220 South St. Francis Dr., Santa Fe, NM 87505](#)

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E-mail: JesseK.Tremaine@emnrd.nm.gov

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From: Tremaine, Jesse, EMNRD

Sent: Tuesday, July 8, 2025 11:03 AM

To: Moellenberg, Dalva L. <DLM@gknet.com>; Raney, Jennifer <jennifer.raney@nmt.edu>; Trujillo, TJ <ajt@gknet.com>

Cc: Wrinkle, Justin, EMNRD <Justin.Wrinkle@emnrd.nm.gov>

Subject: RE: [EXTERNAL] RE: Urgent: Request for Memo on Class VI Primacy Rulemaking Authority

I'm available until 1.

Legal Director, Oil Conservation Division

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From: Moellenberg, Dalva L. <DLM@gknet.com>

Sent: Tuesday, July 8, 2025 10:52 AM

To: Raney, Jennifer <jennifer.raney@nmt.edu>; Trujillo, TJ <ajt@gknet.com>

Cc: Wrinkle, Justin, EMNRD <Justin.Wrinkle@emnrd.nm.gov>; Tremaine, Jesse, EMNRD <JesseK.Tremaine@emnrd.nm.gov>

Subject: [EXTERNAL] RE: Urgent: Request for Memo on Class VI Primacy Rulemaking Authority

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Jennifer,

Both TJ and I are available today until 1:30. I can be available again after 4 pm, though TJ has a prior commitment.

We've taken a look at the issue of whether the WQCC needs to be involved in the rulemaking before, although we will need to update it to reflect HB 458.

Let us know if these times work today, or if we need to identify times for tomorrow.

Best regards,

Dal

 Gallagher & Kennedy

[1239 Paseo de Peralta](#)
[Santa Fe, New Mexico 87501-2758](#)
(505) 982-9523 | [gknet.com](#)

Dalva L. Moellenberg

[Attorney Profile](#)
[DLM@gknet.com](#)
(505) 989-7278

From: Raney, Jennifer <jennifer.raney@nmt.edu>

Sent: Tuesday, July 8, 2025 10:22 AM

To: Moellenberg, Dalva L. <DLM@gknet.com>; Trujillo, Anthony J. <AJT@gknet.com>

Cc: Wrinkle, Justin, EMNRD <Justin.Wrinkle@emnrd.nm.gov>; jessek.tremaine@emnrd.nm.gov

Subject: Urgent: Request for Memo on Class VI Primacy Rulemaking Authority

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Please let us know your availability as soon as possible so Jesse can clarify the request and go over any questions.

Thanks,
Jennifer

Jennifer Raney

Deputy Director - PRRC

New Mexico Tech



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