

**STATE OF NEW MEXICO  
NEW MEXICO OIL CONSERVATION DIVISION**

**APPLICATION OF OIL CONSERVATION DIVISION  
TO ADOPT 19.15.41, 19.15.42, AND 19.15.43 NMAC**

**No. 25875**

**DIRECT TECHNICAL TESTIMONY OF JENNIFER RANEY  
ON BEHALF OF THE OIL CONSERVATION DIVISION**

**JUNE 29, 2026**

**INTRODUCTION**

**Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

A. Jennifer Raney, 801 Leroy Place, Socorro, NM 87801

**Q. ON WHOSE BEHALF ARE YOU SUBMITTING DIRECT TESTIMONY?**

A. The New Mexico Oil Conservation Division.

**Q. BY WHOM ARE YOU EMPLOYED AND WHAT IS YOUR POSITION?**

A. The Petroleum Recovery Research Center (PRRC) at New Mexico Institute of Mining and Technology. My position is Deputy Director of the PRRC.

**Q. PLEASE DESCRIBE YOUR PAST EMPLOYMENT HISTORY.**

A. I worked at the Kansas Geological Survey from 2010-2023 in the Energy Research Section. I was a project manager on Department of Energy grants related to carbon sequestration, hydrogen, and Class VI permitting. I began my role as Deputy Director in September 2023.

**Q. PLEASE SUMMARIZE YOUR EDUCATION EXPERIENCE.**

A. I completed my Master of Science in Environmental Science at the University of Kansas in 2012. My Bachelor of Science in Environmental Science from Tulane University was obtained in 2009. Since graduation I have completed numerous graduate courses in Engineering Project Management, computer science, and energy markets, both through the University of Kansas and New Mexico Tech University.

**Q. HAVE YOU PREVIOUSLY TESTIFIED IN STATE OR FEDERAL REGULATORY PROCEEDINGS?**

A. I testified as an expert witness in the New Mexico 2025 legislative session on HB 457, but not on regulatory proceedings.

**Q. WHAT IS YOUR EXPERIENCE WITH THE FEDERAL CLASS VI INJECTION WELL PROCESS AND NEW MEXICO'S PATH TO GAINING PRIMACY OF THE CLASS VI PROGRAM?**

A. I was a project manager on a Class VI well permit for Berexco, LLC near Wellington, Kansas through EPA Region 7. The technical permit was approved in 2014, but the project did not proceed due to funding constraints on a DOE grant. I served on the CCUS Task Force in Kansas for a number of years before joining NMT. Currently, I serve as the Principle Investigator to provide guidance to the State of New Mexico on establishing a Class VI primacy application to U.S. EPA Region 6.

**Q. WHAT WAS NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY'S ROLE PRIOR TO AND DURING THESE PROCEEDINGS?**

A. NMT has extensive experience in Class VI permitting and technical projects related to Class VI wells. This includes a Department of Energy study that includes a Class VI permit application in U.S. EPA Region 9.

**PURPOSE OF TESTIMONY**

**Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

A. To demonstrate the required public outreach and community engagement was conducted during development of the proposed rules.

**Q. WHAT ARE THE AREAS THAT YOU ARE GOING TO BE ADDRESSING?**

A. Generally, I will be addressing the procedures for decision making found at section 19.15.41.8 of the proposed rules to provide support for the provisions as they relate to public outreach and community engagement and benefits.

## **OUTREACH AND PUBLIC PARTICIPATION**

**Q. WHAT WAS YOUR ROLE IN OUTREACH AND PUBLIC PARTICIPATION DURING DEVELOPMENT OF THE PROPOSED RULES? ARE YOU FAMILIAR WITH THE PUBLIC OUTREACH AND PARTICIPATION REQUIREMENTS APPLICABLE TO THE PROPOSED NEW MEXICO CLASS VI PROGRAM?**

**A.** I have overseen the public outreach program throughout the development of the proposed rules. I am also familiar with the requirements of the proposed Class VI rules as they relate to outreach and public participation. The requirements are intended to ensure that meaningful participation occurs with affected populations in decision-making proposed by potential Class VI projects. A description of these requirements are outlined in the U.S. Environmental Protection Agency (EPA) Class VI Primacy guidelines on Community Engagement.<sup>1</sup>

**Q. WHAT PUBLIC OUTREACH HAS NEW MEXICO ALREADY COMPLETED IN CONNECTION WITH ITS CLASS VI PROGRAM DEVELOPMENT?**

**A.** In alignment with the U.S. Environmental Protection Agency (EPA) Class VI Primacy guidelines, the New Mexico Oil Conservation Division (OCD), in collaboration with the contracted New Mexico Class VI Primacy Team, implemented a comprehensive stakeholder outreach and engagement program in accordance with 40 C.F.R. Part 124. The objective of this effort was to ensure transparency and solicit input from potentially affected stakeholders with an interest in the proposed Class VI regulations.

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<sup>1</sup> See OCD Exhibit 18: EPA Guidelines on Community Engagement for Geologic Sequestration Project Developers and Class VI Permit Applicants

Engagement activities included a broad range of efforts designed to inform affected parties, including direct discussions with legislators, state regulatory agencies, and non-governmental organizations (NGOs) conducted prior to drafting the proposed rules. In addition, informational sessions and workshops were held at academic institutions in regions relevant to potential Class VI activities, including the Permian and San Juan Basins.

Following preparation of the initial draft Class VI rules and accompanying regulatory crosswalk, the OCD released the draft regulations for public review on its website and solicited formal public comments.<sup>2</sup> All comments received were collected, reviewed, and organized by the Class VI team, which is developing formal responses and recommended revisions consistent with applicable federal requirements.

**Q. HOW WAS THE PUBLIC NOTIFIED AND ENGAGED BEFORE INITIATING THE RULEMAKING PROCEEDING?**

- A.** Prior to initiation of the rulemaking proceeding, Class VI proposed rules were posted to the Oil Conservation Division website, a notice was published on August 22, 2025, and workshop invitation emails were sent to relevant listservs of interested organizations.<sup>3</sup> The registration information was also shared via social media on the PRRC LinkedIn page. Additionally, informational letters were sent out to 23 Tribal Nations represented in New Mexico indicating the State's intention to apply for Class VI primacy. I met individually with Stephen Etsitty, EPA Director of the Navajo Nation, to inform him personally about

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<sup>2</sup> See <https://www.emnrd.nm.gov/ocd/ocd-announcements-and-notifications/> and [https://www.emnrd.nm.gov/ocd/wp-content/uploads/sites/6/Crosswalk\\_NM-Class-VI-Primacy\\_EPA-Submittal\\_with-NM-Amendments.pdf](https://www.emnrd.nm.gov/ocd/wp-content/uploads/sites/6/Crosswalk_NM-Class-VI-Primacy_EPA-Submittal_with-NM-Amendments.pdf)

<sup>3</sup> See <https://www.emnrd.nm.gov/ocd/wp-content/uploads/sites/6/Class-VI-Public-Notice-Public-Comment-1.pdf>

our activity and shared the Tribal Engagement letter. We also held a full briefing with the Jicarilla Apache Tribal Council and President to describe the status of the program and share information on Class VI wells on October 10, 2025.

**Q. WHAT TYPES OF STAKEHOLDERS WERE INVOLVED IN THE OUTREACH PROCESS?**

A. Stakeholders engaged in the outreach process included community members and community leadership, first responders, industry professionals, trade organizations, non-governmental organizations (NGOs), landowners, Tribal leaders and members, representatives of regulatory bodies, the State Land Office, universities and community colleges, and state legislators.

**Q. HOW DID PRIOR OUTREACH INFORM THE STATE'S PROPOSED PROGRAM DESIGN?**

A. As six other states now have Class VI primacy and have completed the public outreach process, we leveraged many of the lessons learned and best practices shared through publications and forums held by other states. Numerous guidance documents have been published that inform these efforts since the onset of the federal Class VI program in 2010. Examples include the Class VI working group of the Groundwater Protection Council, of which I have participated since my time on the CCUS Task Force in Kansas, and the Interstate Oil and Gas Compact Commission, of which I sit on the Public Outreach Committee and am incoming Vice-Chair as of this fall.<sup>4</sup> I have collaborated with a number of the authors who wrote the Community Engagement guidance report on CCUS projects, published by the World Research Institute in 2010.

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<sup>4</sup> See OCD Exhibit 19 and 20

**Q. WHAT TYPES OF PUBLIC COMMENTS DID THE STATE RECEIVE DURING THE RULEMAKING PROCESS?**

- A.** Public comments ranged from questions regarding the length and timing of public notice periods prior to permit review, to Area of Review (AoR) requirements and the obligation to inform property owners within a specified distance of the AoR. Additional comments included general legal questions regarding the appropriate permitting authority.

Industry groups and oil and gas operators also submitted comments focused on ensuring that existing correlative rights and mineral property interests would not be adversely impacted. These comments are summarized in the public comment report.

**Q. WERE ANY CHANGES MADE TO THE PROPOSED PROGRAM BASED ON PUBLIC COMMENT?**

- A.** Comments received during the public comment period were reviewed and considered on a case-by-case basis. In many instances, suggested revisions could not be incorporated because the proposed program was required to remain consistent with federal requirements, or because the comments addressed matters outside the scope of the Class VI primacy program, such as issues related to the safety of surface infrastructure or carbon dioxide transportation facilities.

Comments were also received from the Western Environmental Law Center recommending that certain instances of "any and/or" be revised to "and." These recommendations were evaluated individually, and resulting changes to the proposed

program, where applicable, are addressed on a case-by-case basis. Additional details regarding these revisions are provided in the testimony of Dr. Schnaar.

**Q. HOW DOES THE PROPOSED PROGRAM PROVIDE OPPORTUNITIES FOR PUBLIC NOTICE AND COMMENT ON INDIVIDUAL CLASS VI PERMITS?**

- A.** In accordance with 40 C.F.R. Part 124.31, pre-application public meeting and notice, an applicant must hold at least one public meeting to solicit questions from the community and inform the public regarding proposed UIC activities.<sup>5</sup> Applicants are required to provide public notice of the pre-application meeting at least 30 days in advance and must maintain and provide documentation of the meeting notice.

Notices must be accessible and available to affected communities and may include newspaper advertisements, visible and accessible signage, media broadcasts, and notice to the permitting agency. Notices must contain relevant information, including the date, time, and location of the meeting; a brief description and purpose of the meeting; the proposed site location; and contact information for the applicant. Appropriate accommodations should also be made available to individuals requiring additional assistance, including accommodations necessary to comply with the Americans with Disabilities Act (ADA) and language translation services.

Fact sheets must be prepared for each individual permit under proposed section 19.15.41.8.D(1).<sup>6</sup> These fact sheets must include information such as a brief description of the facility and proposed operations, including an address or map, contact information for

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<sup>5</sup> See OCD Exhibit 1 at section 19.15.41.8.D

<sup>6</sup> OCD Exhibit 1 at section 19.15.41.8.D(1).

the applicant, and any direct legal or policy implications associated with the proposed activity. The fact sheet must be made available to any person upon request.

In accordance with 40 CFR Part 124.10 and proposed section 19.15.41.8.E(1), public notice of permit actions and public comment period, the permitting agency is required to provide public notice regarding a range of permitting actions, including when permits have been denied, prepared, or issued, and when a relevant hearing has been scheduled or an appeal has been granted or denied. In most cases, the public must be provided with at least 30 days' notice prior to such actions.<sup>7</sup>

**Q. HOW ARE MEMBERS OF THE PUBLIC ABLE TO PARTICIPATE IN THE PERMITTING PROCESS?**

A. The proposed requirements in 19.15.41.8.D(1) are consistent with federal requirements and ensure that a public meeting is held prior to submission of a permit application.<sup>8</sup> These requirements provide potentially affected community members with meaningful opportunities to ask questions, submit written comments, and become adequately informed regarding proposed Class VI activities.

Additionally, under proposed section 19.15.41.8.D(2), all fact sheets must include a description of the procedures for reaching a final decision on the draft permit, the beginning and ending dates of the public comment period, and information regarding where comments may be submitted.<sup>9</sup> Fact sheets must also describe the procedures for requesting

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<sup>7</sup> *Id.* at 19.15.41.8.E(1)

<sup>8</sup> *Id.* at 19.15.41.8.D(1)

<sup>9</sup> *Id.* at 19.15.41.8.D(2)

a public hearing and any other opportunities through which the public may participate in the final permitting decision. Furthermore, a name and telephone number for a contact person who can provide additional information must be included.

**Q. HOW DOES THE PROPOSED CLASS VI PROGRAM ENSURE CONTINUED PUBLIC ACCESS TO INFORMATION ABOUT CLASS VI PROJECTS?**

A. Affected members of the community will have access to relevant information regarding each proposed facility or Class VI project. Under proposed section 19.15.41.8.E(5), the proposed New Mexico regulations provide additional methods to notify the public, including electronic mail (email) notifications. During public comment periods, any interested person may submit written comments on a draft permit and may request a public hearing if one has not already been scheduled.<sup>10</sup> Public hearings will be held whenever the permitting authority determines that there is significant public interest, or at its discretion.

Pursuant to proposed section 19.15.41.8.E(5)(a)(iv)(C), the public must be notified of the opportunity to be included on mailing lists for periodic publications containing information relevant to Class VI projects.<sup>11</sup> Notices for major permits must be published in daily or weekly newspapers serving areas affected by the facility or project. Additionally, proposed section 19.15.41.8.E(5)(e) requires the use of any other reasonable methods necessary to ensure that persons affected by the project have meaningful access to information and opportunities for participation.

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<sup>10</sup> *Id.* at 19.15.41.8.E(5)

<sup>11</sup> *Id.*

Under proposed section 19.15.41.8.E(6), all public notices must contain a broad range of information to help inform the public, including a description of the project, its location, the dates and locations of any public meetings, contact information for obtaining additional information and submitting written comments, and other details necessary to meaningfully inform the public regarding proposed or ongoing activities.<sup>12</sup>

Following a permit decision, proposed section 19.15.41.8.H(1) requires the permitting authority to notify the applicant, as well as members of the public who submitted comments or requested notification of the permit decision.<sup>13</sup> This notice must also provide information regarding the process for appealing the permit decision.

Further, when a permit is issued, proposed section 19.15.41.8.I(1) requires the permitting authority to prepare a response to comments and identify any permit provisions that were modified in response to public comments. This response to comments must be made available to the public.<sup>14</sup>

**Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

**A.** Yes.

/s/ Jennifer Raney  
Jennifer Raney

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<sup>12</sup> *Id.* at 19.15.41.8.E(6)

<sup>13</sup> *Id.* at 19.15.41.8.H(1)

<sup>14</sup> *Id.* at 19.15.41.8.I(1)