

NOTICE OF PUBLIC HEARING AND RULEMAKING

The New Mexico Energy, Minerals and Natural Resources Department (EMNRD), Energy Conservation and Management Division is commencing a public comment period and will hold a public hearing on proposed rules for the new Geothermal Resources Development permitting program at 9:15 a.m. on Wednesday, January 3, 2018 in Porter Hall, Wendell Chino Building, 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505.

In 2016, the Legislature passed the Geothermal Resources Development Act (GRDA). This Act transferred geothermal energy regulation from the Oil Conservation Division (OCD) to the Energy Conservation and Management Division (ECMD) of EMNRD. Therefore, ECMD needs to promulgate rules so that it can regulate geothermal energy exploration, development, and production. The proposed rules update the rules OCD promulgated in 1983. The passage of the GRDA also repealed the Geothermal Resources Conservation Act. Therefore, this rulemaking proposes to repeal parts of the existing Geothermal Power Rules - Title 19, Chapter 14 NMAC that were adopted pursuant to the now repealed Geothermal Resources Conservation Act.

As authorized by Section 71-9-6 of the Geothermal Resources Development Act, Section 71-9-1 et seq. NMSA 1978, EMNRD is proposing the following new rules governing the exploration, development, and production of geothermal resources:

19.11.1 NMAC, Geothermal Resources Development, General. This part sets forth general provisions including confidentiality of documents and transition provisions and definitions pertaining to the ECMD's authority.

19.11.2 NMAC, Geothermal Resources Development, Permits. This part establishes requirements to obtain a permit prior to commencing exploration, development, and production of geothermal resources and establishes procedures for reviewing applications for geothermal well or facility permits or for the denial of permits.

19.11.3 NMAC, Geothermal Resources Development, Hearings. This part establishes procedures for hearings before the ECMD.

19.11.4 NMAC, Geothermal Resources Development, Construction and Operation. This part establishes construction requirements to ensure the exploration, development and production of geothermal resources is conducted in a manner that safeguards life, health, property, natural resources, environment, and public welfare, and to encourage maximum economic recovery and includes provisions regarding the drilling and plugging and abandoning of wells, construction and closure of pits, and disposal of waste.

EMNRD is also proposing the subsequent repeal of rules, 19.14.110 NMAC, Geothermal Power, Necessity for Hearing; through 19.14.131 NMAC, Geothermal Power, Rehearings, as those parts prescribe hearing procedures before the OCD and Oil Conservation Commission and the OCD no longer administers the permitting of exploration, development, and exploration of geothermal resources.

Copies of the proposed rules and the following technical information:

Utah regulation R655, Idaho regulation IDAPA 37.03.04 and Nevada regulation NAC 534A. US Environment Protection Agency guidance document, EPA 816-R-00-008 and study report EPA/816-R-99-014q, and US Environment Protection Agency regulations 40 CFR 124, 141, 144, 145, 146, and 147; that served as a basis for the proposed rule are available from EMNRD, Energy Conservation and Management Division, 1220 S. Saint Francis Drive, Santa Fe, NM 87505; at <http://www.emnrd.state.nm.us/ECMD/RenewableEnergy/geothermal.html>; or by contacting Daren Zigich at darenk.zigich@state.nm.us; telephone (505) 476-3323.

All interested persons may participate in the hearing, and will be given an opportunity to submit relevant evidence, data, views, and arguments, orally or in writing.

Those wishing to comment on the proposed rules may make oral comments or submit written comments at the hearing or may submit written comments by January 3, 2018 by 5:00 p.m. by mail or e-mail. Please mail written comments to Daren Zigich, EMNRD, Energy Conservation and Management Division, 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505 or submit them by e-mail to darenk.zigich@state.nm.us.

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, please contact Daren Zigich at (505) 476-3323 or the New Mexico Relay Network at 1-800-659-1779 one week prior to the hearing. Public documents can be provided in various accessible formats. Please contact Daren Zigich at (505) 476-3323, if a summary or other type of accessible format is needed.