



RESOLUTION 08-1

REGARDING DELEGATION OF PRIMARY ENFORCEMENT AUTHORITY TO STATES FOR THE
GEOSEQUESTRATION OF CARBON DIOXIDE

WHEREAS, the United States Environmental Protection Agency (USEPA) has determined the geologic sequestration of carbon dioxide is a process that falls within the jurisdiction of the Safe Drinking Water Act (SDWA), Underground Injection Control (UIC) program; and

WHEREAS, the USEPA has developed a proposed federal rule under the UIC program to regulate the practice of geologic sequestration of carbon dioxide; and

WHEREAS, the USEPA has proposed the creation of a new injection well class for carbon dioxide geologic sequestration injection wells with the designation of Class VI; and

WHEREAS, upon adoption of a federal rule states will lack primacy enforcement authority (Primacy) for Class VI wells until such authority is delegated to the states by USEPA; and

WHEREAS, the USEPA has indicated the delegation of primacy for Class VI wells will fall under the authority of Section 1422 of the SDWA; and

WHEREAS, it is the current practice of USEPA to only delegate primacy under Section 1422 of the SDWA if a state accepts primacy for all well classes other than Class II wells; and

WHEREAS, it is in the best interest of protecting ground water resources for the geologic sequestration of carbon dioxide to be regulated at the state level; and

WHEREAS, the GWPC is an association of state administrators of underground injection control and ground water protection programs that will be responsible for administering programs for the geologic sequestration of carbon dioxide; and

WHEREAS, any requirement by USEPA that states accept primacy for Class I, III, IV and V wells, as a condition for obtaining primacy for Class VI wells will create an unreasonable burden upon states; and

WHEREAS, any requirement by USEPA that states with primacy for Class I, III, IV and V wells also accept primacy for Class VI wells will compromise the states ability to decide how best to administer the states UIC program and may unnecessarily disrupt the states' UIC program;

NOW THEREFORE BE IT RESOLVED THAT, the GWPC recommends USEPA provide for the voluntary and separate delegation of primacy to the states for Class VI wells under the UIC program unless the state requests the delegation be made a part of a state UIC primacy program.

Passed by the Board

Attest
Michel J. Paque, Secretary