



RESOLUTION 10-3
MODIFICATION OF RESOLUTION 08-1 REGARDING FEDERAL DELEGATION OF THE CLASS VI UIC
PROGRAM TO THE STATES

WHEREAS, the United States Environmental Protection Agency (USEPA) has determined that the geologic sequestration of carbon dioxide is an activity 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 geologic sequestration of carbon dioxide; and

WHEREAS, the USEPA has indicated that the primary enforcement authority (primacy) for Class VI wells will fall under the authority of Section 1422 of the SDWA; and

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

WHEREAS, the granting of Class VI UIC program delegation exclusive of other well classes may create questions of continuing regulatory authority for programs with existing Section 1422 delegations; and

WHEREAS, it is in the best interest of protecting ground water resources that the geologic sequestration of carbon dioxide 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.

NOW THEREFORE BE IT RESOLVED THAT, the GWPC recommends that the USEPA provide for the delegation of primacy to the states for Class VI wells under the UIC program such that:

1. States with existing Section 1422 programs are allowed, but not required, to modify their existing programs to accept primacy for the Class VI program; and
2. States without existing Section 1422 programs are allowed to apply for primacy for the Class VI program without being required to apply for primacy for any other class of wells.

Sept 26, 2010
Passed by the Board

Attest Michel J. Paquet

Michel J. Paquet, Secretary