

Applying for Class VI Primacy and Issuing Class VI Permits

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- EPA published minimum federal requirements for Class VI geologic sequestration (GS) on December 10, 2010.
- The Safe Drinking Water Act (SDWA) provides a 270-day “waiting period” for states to apply for Class VI primacy before EPA can implement the federal Class VI program.
- This 270-day period ended on September 6, 2011.



Class VI Primacy

- As of September 7, 2011, EPA has not received or approved any state Class VI primacy applications.
- However, states may continue to apply for Class VI primacy and can submit their primacy applications at any time.
- EPA will continue to work with states in developing and approving states' Class VI primacy applications.



Applying for Class VI Primacy

- There are two approaches to applying for Class VI Primacy:
 - States that currently do not have primacy or have Class II primacy only under § 1425 must submit a new § 1422 primacy application for Class VI.
 - States that currently have § 1422 primacy for Classes I, II, III and V, must submit a program revision to add Class VI.



Core Elements of a Primacy Application

- State's Class VI regulations
- Program Description
- Governor's Letter
- Attorney General's Statement
- Memorandum of Agreement (State and EPA)
- Memorandum of Understanding



Class VI Primacy Tools

- Class VI Primacy Manual
- Class VI Standard Operating Procedures
- Class VI Primacy Applications Website
- Class VI Primacy Webcast held in May 2011
- Class VI Primacy Online Training
- Class VI Primacy Templates



Class VI Primacy Status

- EPA has cross-walked state Class VI regulations for Kansas and Wyoming.
- EPA is working with several other states in developing their primacy applications.
- EPA expects about 20 states to apply for Class VI primacy within the next two to three years.



Class VI Permits

- As of September 7, 2011, EPA is the national implementing authority for the Class VI GS rule.
- All GS owners or operators (including DOE RCSP leads) should work with their EPA Region to obtain a Class VI permit for all GS projects.



Class VI Permits

- There should be no Class I, and few, if any, Class V experimental technology well permits issued for GS under SDWA.
- If any applications are made to permit a well as a Class V experimental technology well for GS, the states and tribes must work with EPA to determine whether the well should be permitted as a Class VI or Class V experimental technology well under SDWA.



Class VI Implementation Support

- EPA published a *Federal Register* Notice on September 15, 2011 to clarify that EPA directly implements the Class VI program as of September 7, 2011.
- EPA is providing technical assistance to Regions, as needed, to support Class VI permitting.
- EPA is developing technical guidance documents to support effective permitting.



Class VI Technical Guidance Documents

- Public Participation (Finalized December 2010)
- Financial Responsibility (Finalized July 2011)
- Project Plans Guidance (Finalization Fall 2011)
- Construction Guidance (Finalization Fall 2011)
- AoR and Corrective Action Guidance (Finalization late 2011)
- Site Characterization (Finalization early 2012)
- Class VI Implementation Manual (Finalization early 2012)
- Testing and Monitoring Guidance (Finalization early 2012)



Class VI Technical Guidance Documents

- Injection Depth Waiver (Finalization Spring 2012)
- Well-Plugging, Post-Injection Site Care, and Site Closure Guidance (Finalization Spring 2012)
- Class II – Class VI Transition Guidance (Finalization Spring 2012)
- Recordkeeping and Reporting Guidance (Finalization TBD)
- Class V Experimental Technology Wells Guidance (Finalization TBD)



Class VI Implementation Support

- Class VI Primacy Application and Implementation Workshops
 - In early 2011, EPA held six national implementation workshops for Regional and State regulators.
 - Presentations with speaker notes are available on EPA's Website at <http://water.epa.gov/type/groundwater/uic/class6/gsinformation.cfm>
- Quick Reference Guides on Class VI Implementation
 - Environmental Justice Considerations
 - Interstate Coordination
 - Public Participation



Questions?