



The Ground Water Protection Council
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Dedicated to protecting our nation's ground water

Date: June 30, 2023

To: U.S. Environmental Protection Agency
Docket ID No. EPA-HQ-OW-2023-0073

Re: State of Louisiana Underground Injection Control Program, Class VI Program Revision Application

The Ground Water Protection Council (GWPC) appreciates the opportunity to provide input on the State of Louisiana's primacy revision application to U.S. Environmental Protection Agency (EPA) for jurisdiction of the Underground Injection Control (UIC) Class VI injection well program. The GWPC is the association of state agencies administering the UIC Program in the United States. GWPC is the national member association for state UIC Class VI regulatory programs. GWPC has worked closely with the state on programmatic topics over many years as it implemented its current UIC Program. The Louisiana Department of Natural Resources (LDNR) has effectively administered the State of Louisiana's Program for UIC Well Classes I – V since EPA granted the state primacy in March 1982.

GWPC is in support of the State of Louisiana's application for primacy of the UIC Class VI Program and makes the following observations:

- The State of Louisiana has a strong, well-established UIC Program with dedicated, knowledgeable, and experienced staff.
- The State of Louisiana is invested in protecting its drinking water sources, which is highlighted by the LDNR UIC Program mission, as well as ensuring protection of public safety and the environment.
- The State of Louisiana recognizes that Carbon Capture Use and Storage (CCUS) and the UIC Class VI Program are key to effectively addressing climate change by removing anthropogenic sources of carbon dioxide (CO₂) and sequestering this CO₂ within geologic formations deep underground.
- In assessing the need to sequester CO₂, particularly in industrialized areas, the LDNR developed and adopted UIC Class VI rules that meet or exceed EPA's UIC Class VI rule requirements and then applied to EPA for primacy of this important program.
- As of the date of this letter, there are more proposed projects in Louisiana than anywhere else in the nation, with applications for nine CCUS projects collectively with 21 Class VI injection wells currently under coordinated technical review by EPA Region 6 and LDNR.
- LDNR's UIC Program integrates environmental justice and equity considerations into its permitting processes, which were developed in close collaboration with its federal partner, EPA Region 6. LDNR updated its Memorandum of Agreement with EPA Region 6, including commitments to implementing an inclusive public participation process, enforcing UIC Class VI regulatory protections, and incorporating mitigation measures, as well as examining the potential risks of each proposed Class VI well to minority and low-income populations.
- LDNR's UIC Program is staffed with licensed engineers, licensed geologists, program managers, UIC inspectors, and other subject matter experts with decades of Louisiana and UIC-specific expertise. LDNR's UIC staff have extensive knowledge of the state's geology, drinking water aquifers, petroleum resources, and specific reservoirs proposed for use in sequestering CO₂. The

State of Louisiana has approved additional staff and resources that will be needed to successfully implement the UIC Class VI Program in Louisiana once primacy has been delegated by EPA.

- LDNR has extensive experience reviewing UIC deep well applications and writing complex UIC permits, as demonstrated by its long years of permitting and regulating UIC Class I injection well facilities.
- Because LDNR has had primacy for UIC Classes I-V since 1982, it has intimate knowledge of historic UIC deep well operations and reservoir responses, which will be key to conducting effective application reviews, including appropriate siting of UIC Class VI injection wells.
- LDNR has the capacity to timely review and act on multiple UIC Class VI applications concurrently, whereas EPA Region 6 does not have adequate staff capacity to complete this important work.

GWPC believes that LDNR will run an effective UIC Class VI Program and that it should be delegated primacy for this program by EPA. If you have any questions or concerns, please do not hesitate to contact me at dyates@gwpc.org or (405) 516-4972.

Sincerely,



Dan Yates
Executive Director
The Ground Water Protection Council

Cc: Dr. Earthea Nance, U.S. EPA Region 6 Administrator
Mr. Stephen Lee, LDNR, Injection and Mining Division Director