

EPA ORGANIZATION

Internal deliberative pre-decisional - FOR USE BY 2024 PRESIDENT-ELECT TRANSITION TEAM MEMBERS ONLY

ISSUE SUMMARY:

On May 2, 2022, Oxy Low Carbon Ventures (Oxy) submitted a Class VI permit application for one underground injection (UIC) well at their Brown Pelican CO₂ sequestration project located in Ector County, Texas. On June 22, 2022, the EPA deemed the application administratively complete. On January 31, 2023 and November 28, 2023, Oxy added two additional injection wells to its application. EPA has sent four requests for additional information (RAIs) prompting Oxy to update their application to address EPA's questions and comments. Public comment on the three draft permits commenced on September 3, 2024, and was originally set to expire on October 7, 2024. On the basis of requests from the public, Region 6 extended the public comment deadline to November 6, 2024.

KEY POINTS:

- The Safe Drinking Water Act is the source of UIC authority and mandates protection of underground sources of drinking water.
- The region is an oil and gas industry hub. The project site is highly rural with the closest community, Penwell, 7.5 miles away with a population of about 100 people. Odessa is about 20 miles from the site.
- Environmental Justice (EJ) issues – The project area has zero residents in the area of review. The nearest communities, more than 7 miles from the project, have elevated levels of ozone exposure, prevalent throughout the region and increasing in severity towards Odessa. These communities also have a significant limited English-speaking population, so all public materials were provided in English and Spanish, and all public meetings had a Spanish translator including on livestream.
- State, Local and Tribal governments – There is a parallel Class VI permit approval required from the Texas Railroad Commission (TxRRC), which is also in the process of applying for Class VI primacy. The TxRRC will also hold their own public hearing.

ONGOING/UPCOMING REVIEWS FOR FY2025:

- The EPA held two public information meetings and a public hearing in Odessa, Texas. Oxy has also held community meetings. Notice of the public comment period went out virtually and through mail to interested parties and people living near the project site. 7/15/2024 EPA and the TxRRC met with local officials and first responders at Odessa City Hall
- 7/16/2024 Public engagement meeting
- 9/3/2024 Public notice issued, beginning the public comment period
- 10/2/2024 Public engagement meeting; the public comment period was extended to 11/6/2024
- 10/3/2024 Public hearing held in two sessions
- 11/6/2024 Public comment period will end

KEY EXTERNAL STAKEHOLDERS:

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| <input checked="" type="checkbox"/> Congress | <input checked="" type="checkbox"/> Industry | <input checked="" type="checkbox"/> States | <input type="checkbox"/> Tribes | <input checked="" type="checkbox"/> Media | <input type="checkbox"/> Other Federal Agency |
| <input type="checkbox"/> NGO | <input type="checkbox"/> Local Governments | <input type="checkbox"/> Public | | | |

MOVING FORWARD:

After the public comment period closes, Region 6 will prepare a Response to Comments and issue a final decision.