

UNDERGROUND INJECTION CONTROL (UIC) PROGRAM

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

ISSUE SUMMARY:

EPA is required by the Safe Drinking Water Act (SDWA) to develop requirements and provisions for the Underground Injection Control (UIC) Program. This program regulates the injection of fluids (such as water, wastewater, brines from oil and gas production, and CO₂) into the subsurface, often for the purposes of storage or disposal. The goal of the UIC Program is the protection of Underground Sources of Drinking Water (or USDWs). The UIC program consists of six classes of injection wells. Each well class is based on the type and depth of the injection activity, and the potential for that injection activity to result in endangerment of a USDW. The UIC program may be implemented by the EPA or by states, territories, or tribes with EPA-approved primary permitting and enforcement authority (primacy).

KEY POINTS:

- In 2010, EPA finalized regulations for the geologic sequestration of carbon dioxide (CO₂). This rule created a new class of wells, Class VI. Class VI wells are used solely for the purpose of long-term storage of CO₂. Geologic sequestration is the process of injecting CO₂ into deep subsurface rock formations for long-term storage. The Class VI regulations complement the EPA Greenhouse Gas Reporting Program regulations under the Clean Air Act for facilities to report amounts of CO₂ sequestered annually. Together, the Class VI rule and the Greenhouse Gas Reporting Program ensure the long-term, safe, and secure geologic storage of carbon dioxide.
 - The Class VI regulations were built on existing UIC program requirements, with tailored requirements that address CO₂ injection for long-term storage to ensure that wells used for geologic sequestration are appropriately sited, constructed, operated, tested, monitored, and closed.
 - EPA published an interactive Class VI permit tracker dashboard and a Class VI Data Repository (an online, public-facing library of Class VI permitting information such as application and final permits). The release of these tools provides visual updates on the Class VI permitting process that are easy to navigate and understand.
 - Since the Class VI Rule was finalized in 2010, EPA released comprehensive technical guidance documents to accompany the regulations. Many of these guidance documents and quick references support permit writers in EPA Regions, in addition to those that provide guidance to permit applicants. EPA continues to develop tools and strategies to further streamline the permitting process, many of which further support permitting authorities.
 - The favorable tax climate has stimulated significant increases in the volumes of CO₂ injected into the subsurface and there is some uncertainty around classification of some of the CO₂ injection operations. EPA is developing guidance to provide more clarity to injection well owners and operators and permitting authorities on the considerations associated with transitioning from Class II to Class VI.

- EPA regularly collaborates with other Federal agencies on CCUS related topics (including DOE). In addition, EPA has established an interagency agreement with the DOE National Labs that leverages their technical expertise to support the Agency's Class VI permitting efforts.
- The DOE has identified seven regional clean hydrogen hubs across the US. Each hub includes a number of entities for the production, transport and offtake of hydrogen. The hubs will be awarded approximately \$7 billion in 2024. Most hydrogen hubs are expected to involve Class VI wells as the majority of hydrogen manufactured in the US currently comes from the reformation process which produces CO₂. Subsurface injection of hydrogen for storage is considered a UIC injection activity.
- The DOE is spearheading research to drive down the implementation costs associated with enhanced geothermal energy. The US has enough enhanced geothermal capacity to meet the world's electricity demands. In addition to research and development, in February 2024 the DOE awarded \$60 million to three pilot projects to demonstrate the efficacy and scalability of enhanced geothermal energy. Enhanced geothermal energy utilizes deeper wells than traditional geothermal energy and wells are expected to be permitted as Class V wells.
- Section 1421 of the Safe Drinking Water Act (SDWA) requires EPA to develop UIC program requirements that protect underground sources of drinking water from endangerment. EPA has developed UIC program requirements that are designed to be adopted by states, territories, and tribes. Primacy refers to state, territory, or tribal responsibilities associated with implementing EPA approved UIC programs.
 - EPA is currently working with a number of states, tribes, and territories as they develop UIC primacy applications, or applications to revise existing primacy programs to cover Class VI wells.
 - Throughout 2025 and 2026, EPA expects to see a number of additional states and tribes develop Class VI primacy packages.
- EPA is providing over \$48 million in Bipartisan Infrastructure Law funding to help states and Tribes in developing and implementing UIC Class VI programs. These UIC Class VI programs regulate the geologic sequestration of carbon dioxide (CO₂) into UIC Class VI wells. Funds have been allocated evenly among the 25 interested states and Tribes, with an allotment of \$1.93 million for each program.

ONGOING/UPCOMING REVIEWS FOR FY2024:

KEY EXTERNAL STAKEHOLDERS:

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

MOVING FORWARD:

EPA plans to continue working with its regional offices to review and approve as appropriate Class VI permit applications as well as other injection well permit applications. Activities will include the deployment of training initiatives and streamlining tools, and continued coordination with stakeholders such as other federal agencies, states and tribes, well owners and operators, and non-governmental organizations.

EPA will continue to provide support to states, tribes, and territories as they develop their UIC primacy applications. When the Agency receives complete UIC primacy application packages, EPA will process applications for primacy determination.