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Louisiana Takes Major Step Towards Administering Class VI Geologic Wells for Carbon Sequestration Use

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Louisiana's quest for primacy over its Class VI well program took a big step forward last Friday when the United States Environmental Protection Agency (EPA) opened the comment period for public and industry stakeholders to submit comments on Louisiana's primacy application (*see* EPA Docket ID No. EPA-HQ-OW-2023-0073). The primacy application, which was published in the Federal Register on Friday, has been pending with the EPA since September 2021. Class VI wells refers to deep geologic wells that would be used to store carbon dioxide in perpetuity. The comment period will run for sixty-days (60) and close on June 26, 2023.

Comments may be submitted through a number of channels:

1. The federal eRulemaking Portal at https://www.regulations.gov/ (which is EPA's preferred method for submitting comments);
2. By mail to U.S. Environmental Protection Agency Region 6, Attn: Lisa Pham, Groundwater/UIC Section, Mail code: WDDG, 1201 Elm Street, Suite 500, Dallas, TX 75270-2102; or
3. Via e-mail to Lisa Pham at phamlisa@epa.gov using the subject line: "Louisiana Class VI Primacy Application - Docket ID No. EPA-HQ-OW-2023-0073."

Before the close of the comment period, a public hearing will be held on **Thursday, June 15, 2023**, from 1:00 p.m. to 3:00 p.m. and from 6:00 p.m. to 8:00 p.m. at the Louisiana Department of Natural Resources, LaBelle Hearing Room, 1st Floor, LaSalle Building, 617 North 3rd Street, Baton Rouge, Louisiana 70802. Registration for speaking at the hearing will start on April 28, 2023 and end on June 8, 2023. You can register at Public Hearing Registration Form Louisiana UIC Class VI Primacy | US EPA. The purpose of the public hearing will be to determine whether Louisiana's application meets all applicable requirements for approval under Safe Drinking Water Act (SDWA) Section 1422 and whether the State of Louisiana is capable of administering a Class VI Underground Injection Control (UIC) program in a manner consistent with the terms and purposes of SDWA and all applicable UIC regulations.

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It should be noted that the EPA has reviewed Louisiana's approach to environmental justice and considers Louisiana's Class VI primacy application to fully integrate environmental justice and equity considerations into their UIC Class VI program, while ensuring protection of United States Drinking Water sources. If Louisiana's primacy application is ultimately granted by EPA, Louisiana's Department of Natural Resources would have the ability to govern, administer, and regulate all Class VI wells sited and drilled in Louisiana. This would further the advancement and development of carbon capture and sequestration projects in Louisiana.

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