



State of Utah

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Lieutenant Governor

Department of Natural Resources
Division of Oil, Gas and Mining

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April 12, 2022

Alan S. Lowenthal, Chair
Subcommittee on Energy and Mineral Resources
U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

Dear Representative Lowenthal,

Thank you for the opportunity to testify before the Subcommittee on Energy and Mineral Resources at the oversight hearing titled, "*Benefits of the Legacy Pollution Clean-Up Programs in the Bipartisan Infrastructure Law*" on Thursday, March 31, 2022.

Attached are responses to the Subcommittee's additional questions. Please let me know if I can be of further assistance.

Sincerely,

[John Baza \(Apr 13, 2022 08:18 MDT\)](#)

John R. Baza
Director



Questions for the Record by Republican Members

Questions from Rep. Stauber for John Baza, Director, Division of Oil, Gas and Mining, Utah Department of Natural Resources

- 1) You state in your testimony that the Department of the Interior (DOI) has suggested to the states that they must modify their established plugging programs to include DOI “best practices.” Are these so-called “best practices” required by the law and do you think they are necessary?

Response: I do not believe that the “best practices” being suggested by DOI are required by existing law or by the new Bipartisan Infrastructure Law that provides funding to the states for orphan well plugging. It is important to note that many states including Utah have well-established plugging programs that have existed for many years. These programs have evolved with many practices and methodologies that work well within the states and regions for which they were developed. Even though DOI may suggest inclusion of other “best practices”, such practices may or may not be applicable in all areas of the U.S. for various reasons including soil conditions, water conditions, environmental variability, and economic feasibility. DOI could and should recognize that state plugging programs have effective programs that address local and regional circumstances, and DOI should not place additional burdens by suggesting best practices that may not be compatible with conditions on the ground.

- 2) I understand that the states, working through the Interstate Oil and Gas Compact Commission, have provided feedback on guidance documents released by DOI.
 - a. Has DOI adequately addressed these comments and/or indicated a willingness to work closely with the states?

Response: DOI has expressed willingness to work with states, but they are still reviewing the comments provided by states through the Interstate Oil and Gas Compact Commission (IOGCC), and they have not provided a response as yet.

- b. What recommendations would you have for DOI to ensure states are partners in implementation for the duration of the orphan well program?

Response:

- i) *I believe that DOI has tried to treat states equally as a group through interaction with IOGCC. However, with over 30 member states, IOGCC is representative*

of a wide range of state oil and gas regulatory programs with various land ownerships, land types, governmental jurisdictions, geomorphology, and environmental conditions. To fully understand and address the needs of various states, DOI needs to engage in discussions with individual states or at a minimum with regionally representative groups of states. Examples of regional groupings could be based on geographical similarity, percentage federal land ownership, or environmental factors such as aridity or climatological factors. Some examples of geographical groupings might be: West Coast, Rocky Mountain, Plains, Great Lakes, Appalachian, or Gulf Coast states.

- ii) Rather than suggest “best practices” as a consideration for distributing available funding, DOI should allow the individual states (or regionally based groups of states) to identify successful elements from their plugging programs and compile those success stories into a shared report that all other states could access. Then additional grant funding that is incentive based could be requested based on states adoption of those successful features.*