



Dedicated to protecting our nation's groundwater

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April 14, 2021

The Honorable Paul Tonko
Chairman
Subcommittee on Environment and Climate
Change
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC

The Honorable David McKinley
Ranking Member
Subcommittee on Environment and Climate
Change
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC

Chairman Tonko and
Ranking Member McKinley:

The Ground Water Protection Council (GWPC) has reviewed the text of the Clean Futures Act (H.R. 1512) and has developed the following comments concerning sections in Title 6 of the legislation. GWPC is a nonprofit organization whose members consist of state groundwater regulatory agencies that come together within the GWPC organization to work toward mutually beneficial programs and initiatives that lead to the protection of the nation's groundwater resources. The purpose of GWPC is to promote and ensure the use of best management practices and fair, but effective, laws regarding comprehensive groundwater protection.

Founded in 1983, the GWPC has focused on the role of underground injection control (UIC) in protecting our water supplies. As such, we have unique expertise in technical issues pertaining to UIC and are qualified to provide the following comments on this legislation.

Sec. 621. ENHANCING UNDERGROUND INJECTION CONTROLS FOR ENHANCED OIL RECOVERY.

Carbon dioxide enhanced oil recovery (EOR) wells, which fall under the Class II UIC designation, are effectively regulated by the states that have been delegated primacy from the US EPA for this program. Removing these wells from the current Class II program would do nothing but put undue burden on the states to regulate the wells as a new or separate accounting entity. Under current UIC Regulations in place at both the Federal and State levels, the wells are operated in a manner that protects potential sources of drinking water. Additional legislation that reclassifies current Class II carbon dioxide EOR wells will only add unnecessary burden to the States while not improving any regulatory outcomes relative to the protection of potential sources of drinking water.

Additionally, when carbon dioxide is injected into oil reservoirs, it is done under volume and pressure regimes that are specifically designed to enhance oil recovery. In many cases, increasing the injected volume of CO₂ in an existing EOR well strictly for the purpose of increasing the sequestered volumes of CO₂ volumes could prove detrimental,

operationally and economically, to the primary purpose at hand--increased oil and gas production.

Sec. 623. SAFE HYDRATION IS AN AMERICAN RIGHT IN ENERGY DEVELOPMENT.

The nature of pressure dynamics occurring immediately after a hydraulic fracturing job completion and natural laws of fluid flow through porous media demonstrates no need for additional monitoring or testing. Such monitoring or testing would provide little to no benefit to the protection of underground sources of drinking water. Once a hydraulic fracturing job is complete and the well is opened for production, the majority of fluids used during the job will be returned to the surface. A baseline capture of the groundwater quality prior to the job and subsequent testing of the same sample location at a later date is already part of protocol in a number of state programs and is being encouraged in more. We do not believe that additional monitoring or testing would provide any incremental environmental benefit relative to the hydraulic fracturing procedure.

Any effort to address baseline water quality should occur at the state level, where the requirement for additional testing, if appropriate and needed, can be mandated as part of the approval of drilling permits. No change in federal regulation is needed at this time in that many states have already addressed this issue relative to needs within their jurisdictions.

SEC. 502. SUPPORTING CARBON DIOXIDE GEOLOGIC SEQUESTRATION

AUTHORIZATION OF APPROPRIATIONS – The GWPC supports the deep geologic storage of carbon dioxide as an effective method for long term sequestration. While we support the authorization of \$ 5,000,000 for fiscal years 2022 through 2026 for the US Environmental Protection Agency we believe that an additional \$ 8,000,000 over the currently enacted \$3,000,000, for a total of \$11,000,000 will be necessary for the USEPA to implement a robust Class VI program. This would support the collection and dissemination of vital geologic information as well as guidance and training for Primacy states, or those applying for primacy from the USEPA.

- (a) **STATE PERMITTING PROGRAMS** – States are best suited to implement a Class VI UIC program, as most are already doing for the other types of UIC wells, I, II, III, and V. Without adequate federal funding assistance for Primacy program development, application, and implementation, many states will lack the funds and incentive to assume Primacy and, thus, it should be made clear that grants to states are available to assist in making Primacy applications to USEPA, as well as program development and implementation.

AUTHORIZATION OF APPROPRIATIONS- Successful state implementation of the Class VI program will require a new or additional state grant program of not less than the \$50,000,000 for the period of fiscal years 2022 through 2026. Given the complexity of implementation and the need for additional state oversight, we would recommend that \$72,000,000 be authorized for 2022-2026.

Thank you for considering our input on these particular provisions in H.R. 1512. For nearly forty years, GWPC has been successfully working to ensure the safety of water sources across the country and, thus, we believe that we have knowledge, experience, and expertise in this regard that can assist in informing the legislative process. Please feel free to call on us anytime we can be of assistance and don't hesitate to contact us to discuss these matters further.

Sincerely,

A handwritten signature in black ink, appearing to read "m. Paque". The signature is fluid and cursive, with the first name being a single lowercase letter and the last name being more prominent.

Michel J. (Mike) Paque
Executive Director
The Ground Water Protection Council