April 2, 2024

Michael S. Regan
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave NW,
Washington, D.C. 20460-0001

Dear Administrator Regan,

As Members of the bipartisan House Climate Solutions Caucus, we write to express concerns with delays in the permitting of underground CO$_2$ storage and processing of state primacy applications. Additionally, we write to call attention to the dismal number of Class VI well projects that have been deployed after successfully moving past the permitting process. We understand that the EPA is currently processing one hundred and eighty-one Class VI well permit applications alongside at least two state primary authority applications. Permitting delays are actively crippling U.S. efforts to deploy vital clean energy and carbon capture infrastructure alike. While we recognize that there are advanced engineering and environmental safety considerations that must be accounted for in Class VI well permitting and state primacy designation, there is no time to waste in deploying carbon sequestration infrastructure, which will play a vital role in decarbonizing the U.S. economy. We respectfully request a comprehensive response outlining the challenges that EPA is facing in meeting its goal of reducing processing timelines for Class VI well permits and state primacy applications to better understand how Congress can work to address them.

It is widely recognized that carbon storage solutions will be needed alongside continued efforts to decrease the U.S. dependency on fossil fuels. As you know, permanent underground carbon injection and storage represents a readily available option for permanent CO$_2$ storage while other advanced Carbon Capture, Utilization, and Sequestration (CCUS) technologies develop and work towards commercialization. The window for impactful climate action is rapidly closing and it is imperative that the U.S. deploy carbon sequestration infrastructure as quickly as possible. Accordingly, permits for carbon sequestration projects such as Class VI wells need to be processed in a timely manner so that their construction and operation can get underway. Congruently, state legislation and capacity need to be developed more rapidly under EPA guidance in order for states to be granted primacy and take on Class VI well permitting themselves.

In recent years, Congress has funded projects and programs aimed at spurring investment in, and the deployment of, carbon sequestration technologies and associated infrastructure. Most recently, the IRA included a significant bump in funding for the 45Q carbon sequestration tax credit. These funds, alongside investments made through the Bipartisan Infrastructure Law (BIL) have led to rapid private sector investment in the CCUS space and a significant increase the number of Class VI permits in the EPA queue. However, of all the Class VI permits received by EPA in the past 13 years, only 8 have been approved, with each taking anywhere from three to six years to reach a final permitting decision. Of the approved Class VI permit applications, half have moved forward and only two projects are in operation. The remaining two were only issued permits as recently as the end of January 2024. These statistics speak to the difficulty that even a well-understood method of carbon storage faces in successfully navigating the U.S. permitting landscape in its current form.

1 https://nca2023.globalchange.gov/chapter/32#section-98
2 https://www.wri.org/update/carbon-removal-BIL-IRA
3 EPA Class VI State Primacy: Injecting Local Expertise for Permanent CO2 Sequestration | Bipartisan Policy Center
4 Carbon Capture, Utilization, and Storage: Class VI Wells and US State Primacy | Insights | Mayer Brown
EPA has pointed to lack of adequate funding and long lead times in federal hiring as some of the reasons why permitting applications face three-to-six-year delays\(^5\). While workforce shortages are problematic given the number of highly skilled experts required in evaluating proposed Class VI well projects and state primacy applications, EPA has been provided with funding to address this. The Consolidated Appropriations Act, 2021 (Public Law 116-260)\(^6\) directed no less than $3,000,000 in funding for EPA’s “work within the Underground Injection Control program related to Class VI wells for geologic sequestration to help develop expertise and capacity at the Agency” and directed them to be “used by the Agency to review and process Class VI primacy applications from States and Tribes and to directly implement the regulation, where States have not yet obtained primacy by working directly with permit applicants.”

At the end of 2023, the EPA cited hiring 1,777 new staff\(^7\) and expanding the number of full-time equivalents processing Class VI permits from a few people to more than twenty-five\(^8\). Unfortunately, despite amplified federal support, private sector investment, and improved staff capacity, the agency has been unable to meet its stated two-year goal for processing Class VI permits and state primacy applications. With this in mind, we respectfully request answers to the following questions:

1. **What challenges is EPA facing in the permitting process for Class VI wells that may not be solved by continued private sector investment, or increased staff capacity?**

2. **Beyond staffing needs, what are the most prominent reasons for permitting delays? What is EPA doing to prevent or streamline them?**

3. **Are there workforce, hiring, data needs, or permitting reforms that should be addressed or prioritized by future legislation?**

4. **What are the most frequent Requests for Additional Information (RAIs) that EPA returns to applicants during the Class VI well permitting process?**

5. **What tangible progress has EPA made in reducing the timeline of Class VI well permitting and primacy applications to two years since the release of EPA’s last report to Congress in October 2022?\(^9\)**

6. **Of the 1,777 new staff hired by the EPA in 2023, how many full-time equivalents were hired to help process Class VI well permits and state primacy applications? What are the current unmet personnel needs by position type and function?**

We thank you for your response and look forward to working with you to ensure that vital carbon sequestration infrastructure and state programs are brought online in timeframes that align with U.S. decarbonization goals.

Sincerely,

---

\(^5\) Carbon Capture, Utilization, and Storage: Class VI Wells and US State Primacy | Insights | Mayer Brown  
\(^6\) https://docs.house.gov/billsthisweek/20201221/BILLS-116RCP68-JES-DIVISION-G.pdf  
\(^7\) subscriber.politicopro.com/eenews/f/eenews/?id=0000018c-8428-da96-afdc-dc7be3c50000  
\(^8\) testimony-pigott-senr-hearing-nov-2-2023 -cleared.pdf (epa.gov)  
\(^9\) EPA Class VI Permitting Report to Congress
Chrissy Houlahan  
Member of Congress

Marcy Kaptur  
Member of Congress

David G. Valadao  
Member of Congress

Anthony D’Esposito  
Member of Congress

Andrew R. Garbarino  
Member of Congress

Michael V. Lawler  
Member of Congress

Scott H. Peters  
Member of Congress