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Underground Injection Control (UIC) Class VI Wells Grant Program

Grant Implementation Document

**Infrastructure Investment
and Jobs Act of 2021**

Summary

The Environmental Protection Agency's (EPA) Office of Ground Water and Drinking Water (OGWDW) is issuing an Implementation Document for the **Underground Injection Control (UIC) Class VI Wells Grant Program**. This program was established under Section 40306 of the Infrastructure Investment and Jobs Act of 2021. \$50,000,000 in funds have been authorized to be appropriated to EPA to carry out this grant program over a period of five years. As such, applicants are required to submit workplans that meet the below requirements for a period of performance of up to five years.

Class VI wells are used to inject carbon dioxide (CO₂) into deep rock formations. This long-term underground storage is called geologic sequestration (GS). Geologic sequestration, as part of carbon capture and storage (CCS), is a technology that can be used to reduce CO₂ emissions to the atmosphere and mitigate climate change. Possible sources of CO₂ for GS include CO₂ captured from point source emissions, such as from an industrial facility (e.g., steel and cement production) or energy production (e.g., ethanol, hydrogen production, or power plants), as well as CO₂ captured directly from the atmosphere (e.g., direct air capture).

Under the Safe Drinking Water Act (SDWA), EPA has developed robust federal requirements for injecting carbon dioxide that protect public health by ensuring injection wells do not contaminate underground sources of drinking water (USDWs). These UIC regulations mandate using a variety of measures to assure that injection activities will not endanger USDWs. States, Tribes, and territories may apply for primary responsibility (primacy) under the SDWA for implementing and enforcing a UIC Class VI program in their respective lands that is at least as stringent and protective of USDWs as the federal program.

The objective of this grant program is to provide financial assistance to the eligible states and Tribes that submitted letters of intent by March of 2023 to defray expenses related to the establishment and operation of a UIC Class VI primacy program. Those states and Tribes may apply for grant funding under work plans of up to five years for eligible assistance activities which include, but are not limited to, updating regulations, developing a UIC Class VI program, applying for Class VI primacy, developing and maintaining a database housing information on Class VI well activities, implementing Class VI permitting activities, developing and implementing environmental justice (EJ) tools and techniques, implementing enforcement programs to ensure that USDWs are protected from Class VI underground injection activities, and any other activities directly involved with implementing an approved Class VI primacy program.



This document contains the UIC Class VI Grant Program information for both internal and external stakeholders and is intended to provide states and Tribes with information needed to apply for funding, including funding allotments. Nothing in this document is meant to conflict with or supersede Office of Management and Budget Guidance, or the EPA's regulations, policy, or any grant terms and conditions. All public materials for the grant program are available at www.epa.gov/safewater/grants.

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I. OVERVIEW

This Underground Injection Control (UIC) Class VI Wells Grant Program, Assistance Listing 66.486, Implementation Document describes how the U.S. Environmental Protection Agency (EPA) will administer funds to states and Tribes to develop and implement UIC Class VI primacy programs. The purpose of this Implementation Document is to provide states and Tribes with the information to apply for funding.

II. STATUTORY AUTHORITY

Section 40306 of the Infrastructure Investment and Jobs Act of 2021 (IIJA) (PL 117-58, Nov. 15, 2021), also known as the Bipartisan Infrastructure Law (BIL), authorizes the EPA to award grant funds to *States* that, pursuant to Section 1422 of the Safe Drinking Water Act (SDWA), “receive the approval of the Administrator for a *State* UIC program for permitting Class VI wells for the injection of carbon dioxide.”

As defined in SDWA section 1401:

“(13) ...the term “State” includes, in addition to the several states, only the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.”

EPA may also treat Indian Tribes as *States*. According to SDWA section 1451:

“(a) In General.—Subject to the provisions of subsection (b), the Administrator—
 (1) is authorized to treat Indian Tribes as States under this title,
 (2) may delegate to such Tribes primary enforcement responsibility for public water systems and for underground injection control, and
 (3) may provide such Tribes grant and contract assistance to carry out functions provided by this title.”

As defined in SDWA section 1401:

“(14) The term “Indian Tribe” means any Indian tribe having a Federally recognized governing body carrying out substantial governmental duties and powers over any area.”

A state, Tribe, or territory is not required to have already received EPA approval for a Class VI primacy program in order to receive the funding. According to Section 40306(c)(2) of the BIL:

“A State that receives a grant under paragraph (1) shall use the amounts received under the grant to defray the expenses of the State related to the establishment and operation of a State underground injection control program described in paragraph (1)”

And according to Division J of the BIL, \$50 million is appropriated to EPA:

“as authorized under section 40306 of division D of this Act, and for activities to support states’ efforts to develop programs leading to primacy...”

III. ELIGIBLE RECIPIENTS

Funds will be awarded under work plans of up to five years to states and Tribes (the “eligible entities”) based on an even distribution among the states and Tribes that submit the required information described in Section VII. of this document to EPA. Eligible recipients include the 23 states and two Tribes that submitted a Letter of Intent by March 2023. EPA can treat Indian Tribes as eligible “States” if they have a Federally recognized governing body carrying out substantial governmental duties and powers over any area. States and Tribes are eligible for these BIL funds to develop their UIC Class VI programs and need not have already received primacy.

IV. ELIGIBLE ACTIVITIES

Eligible activities under Section 40306 of the BIL include activities related to the establishment and operation of a Class VI primacy program. Eligible activities may include, but are not limited to, the following categories:

- Primacy or Program Revision Application Activities
 - Initial activities
 - Class VI regulatory development
 - Environmental justice tool and process development
 - Development of program submission
 - Primary or program revision application submittal
- Program Implementation and Permit Review
 - General program procedures and resources
 - Development of long-term state or Tribal UIC program funding mechanism (e.g., permit application fee structure, state or Tribal budget proposal, etc.)
 - Initial and ongoing staffing
 - General initial and ongoing outreach and communication for program (non-project-specific)
 - Pre-permitting activities
 - Permit application review and permit preparation
 - Pre-operations activities
 - Operations activities

- Post injection activities
- Site closure activities
- Outreach and communications specific to individual projects
- Reporting to EPA
- Data management
- Travel

The following lists include examples of activities that could be funded under each category. These lists are not intended to represent all types of activities. If a state or Tribe wishes to fund an activity not specifically listed, an explanation of how the activity relates to the establishment and operation of the state or Tribe's UIC Class VI program per Section 40306(c)(2) of the BIL must be included in the state or Tribe's workplan.

Category 1 – Primacy or Program Revision Applications
Example Activities
<ul style="list-style-type: none"> ● Initial activities <ul style="list-style-type: none"> ○ Conduct policy and legal review as needed ○ Obtain any needed legal or policy clarification ○ Notify EPA Region of intent to submit primacy or program revision application ● Class VI regulatory development <ul style="list-style-type: none"> ○ Develop new or revised state or Tribal statutes and regulations ○ Coordinate federal review of state or Tribal statutes and regulations (e.g., crosswalk development; reviewing crosswalk information provided by EPA) ○ Revise state or Tribal statutes and regulations ○ Conduct public participation activities (e.g., public notice, public hearing, response to public comments) associated with state or Tribal Class VI regulations ● Environmental justice analytical tool and process development <ul style="list-style-type: none"> ○ Identify or create tools (e.g., screening tools) ○ Conduct engagements with external stakeholders and enhance public involvement of communities with potential EJ concerns (e.g., non-governmental organizations, community-based organizations, community representatives) ○ Develop and document steps to proactively address EJ (e.g., public participation, additional permit conditions, transparency) ● Development of program submission, including the drafting, review, and revision of the following: <ul style="list-style-type: none"> ○ Governor's Letter ○ Program Description

- Attorney General's Statement
- Memorandum of Agreement with the EPA Regional Administrator
- Copies of all applicable state or Tribal statutes and regulations
- Presentation of the state or Tribe's public participation activities
- Application submittal
 - Submit primacy/program revision application to EPA
 - Revise application based on EPA input and public comments received

Category 2 – Program Implementation and Permit Review

Example Activities

- General program procedures and resources
 - Review regulations, guidance, other tools, and resources
 - Routine review of new and updated tools and resource
 - Prepare templates and other resources for permit applications and review team
 - Revisit and update templates and other resources
 - Establish procedures for reporting to EPA (compliance-related, routine as per rule requirements, etc.)
 - Revisit and revise reporting procedures
 - Establish record-keeping system and protocols
 - Revisit and revise record-keeping system and protocols
 - Development of long-term state or Tribal UIC program funding mechanism (e.g., permit application fee structure, state or Tribal budget proposal, etc.)
 - Assess funding mechanisms to support program, as needed
 - Revisit and reassess funding mechanisms
 - Establish funding mechanism for program support
 - Establish a methodical process to incorporate the evaluation of environmental justice considerations into permitting actions
- Initial and ongoing staffing
 - Review existing staff and resource availability for permit review team, including level of skills/expertise in different areas (e.g., community engagement, technical skills, environmental justice background, etc.)
 - Hire new staff: develop job requisitions, interview, and hire staff
 - Revisit staffing needs to determine additional hiring needs
 - Develop staff training
 - Revise staff training
 - Conduct initial staff training
 - Conduct and attend technical and implementation training

- General initial and ongoing outreach and communication for program (not project-specific)
 - Identify key stakeholders
 - Develop communications strategy regarding the Class VI program
 - Revise and update program's communication strategy
 - Develop initial program materials (e.g., website content, fact sheets, social media)
 - Review, revise, and update program materials as needed
 - Maintain publicly accessible materials and summary of public outreach (e.g., via website)
 - Conduct routine communications with EPA Region and EPA Headquarters as needed
 - Coordinate with other primacy agencies/Class VI programs nationally
 - Coordinate and communicate with other water sector and industry stakeholders, including prospective permittees
 - Respond to questions from the general public and other stakeholders
- Pre-permitting activities
 - Engage permit applicant
 - Encourage owner/operators to conduct EJ screening during site selection and before submitting a Class VI permit application
 - Coordinate and communicate with co-regulators
 - Conduct EJ screening to identify communities with potential EJ concerns and determine if additional analysis is needed
 - Initiate a public participation process targeting the surrounding communities including those identified in the EJ screening
 - Incorporate community input and concerns gathered through the public participation process into the permit application review and permit preparation
 - Where practicable, encourage owner/operators to consider additional mitigation measures to address concerns raised by the local community (e.g., installation of carbon dioxide monitoring and release notification networks)
- Permit application review and permit preparation
 - Completeness review of permit application
 - Send notice of deficiencies as needed for incomplete permit applications
 - Review pre-construction technical information and project plans
 - Review financial assurance demonstration
 - Finalize EJ assessment
 - Develop a community engagement plan for affected communities

- Continue targeted outreach to surrounding communities (including those identified in the initial EJ screening) and as needed based on the final EJ assessment, expand the public participation process to ensure engagement of all relevant stakeholders
- Draft permit conditions
- Finalize draft permit for public notice and comments
- Develop fact sheet and statement of basis
- Develop materials in a language that is appropriate for interested communities and ensure meaningful access to persons with disabilities
- Conduct public engagement activities and respond to public comments
- Review and respond to public comments
- Extend the public comment and participation period, as appropriate
- Finalize permit conditions
- Post permit information on a public website, including:
 - All Class VI permit applications
 - Responses to questions from the public and stakeholders
 - EJ screening results and any follow-up EJ and community needs assessments
- Pre-operations
 - Review formation testing data and updated information
 - Review permit conditions and revise if needed, and finalize
 - Conduct public notification and comment if needed
 - Finalize permit conditions
 - Authorize to inject
- During operations
 - Receive/store, and review required monitoring data to confirm compliance with permit conditions
 - Post monitoring data (e.g., injection pressures, monitoring data, mechanical integrity test results) on an appropriate public website, in a manner that is user-friendly and understandable to the general public
 - Review area of review (AOR) reevaluations
 - Review an amended AOR and Corrective Action Plan (if submitted)
 - Review updates to any other project plans (if submitted)
 - Site inspections
 - Provide public notification of all Class VI permit violations on an appropriate public website
 - Investigate and document complaints
 - Determine remedial actions and responses to complaints

- Implement enforcement actions if needed based on investigation of complaints
 - Follow-up on violations and enforcement actions
 - Report information on non-compliance and violations to EPA
 - Occasional injection-phase reviews
 - Review financial responsibility documentation
 - Work with owner/operator in case of adverse financial conditions
 - Continue outreach to and engagement of the communities surrounding the injection facility (including those identified in the EJ assessment) regarding operational changes and project conditions
- Post-injection period
 - Review any amendments to the injection well plugging plan (if applicable)
 - Review the notice of intent to plug the well
 - Review the injection well plugging report
 - Review post-injection site care and site closure plan amendments (if applicable)
 - Review post-injection monitoring data
 - Review AOR reevaluations
 - Review project plan updates
 - Emergency and remedial response
- Site closure
 - Review non-endangerment demonstration
 - Review notice of intent to close
 - Authorize the owner or operator to proceed with site closure
 - Review the site closure report
 - Verify that the owner or operator performed all required site closure-related notifications
 - Confirm that the owner or operator is aware of their recordkeeping responsibilities
 - Release the owner or operator from remaining financial responsibility
- Outreach and communications specific to individual projects
 - Develop communications strategy for project
 - Revise and update communications strategy
 - Develop materials (e.g., website content, fact sheets, social media) geared towards stakeholders
 - Review, revise, and update materials as needed
 - Maintain access to materials and track outreach on a website
 - Conduct routine communication and outreach to owners/operators and the general public
 - Conduct communication to public on violations and enforcement actions

- Coordinate with co-regulators (local, state, tribal) – formal and informal
- Respond to questions from the general public and other stakeholders
- Conduct routine communication with EPA Region and EPA Headquarters as needed
- Reporting to EPA
 - Develop draft reports for EPA
 - Internal review of draft reports for EPA
 - Revise reports for EPA
 - Submit reports for EPA
- Data management
 - Assess data management needs for program startup
 - Review existing data management resource availability
 - Acquire software and hardware
 - Customize software and hardware
 - Revisit and reassess data management needs
 - Maintain software and hardware/ongoing support
- Travel
 - Public Engagement (including activities associated with steps to proactively address EJ)
 - Inspection and enforcement activity- travel within the state or Tribe
 - Training and conference attendance- travel within or outside the state or Tribe
 - Training and conference registration

V. INELIGIBLE USES OF GRANT FUNDS

Examples of ineligible uses of grant funds are listed below. Please note that this list is intended to be illustrative and is not exhaustive. **Ineligible uses of grant funds include, but are not limited to, the following activities:**

- UIC implementation activities unrelated to Class VI (e.g., permitting non-Class VI wells)
- Construction
- Purchase of land, easements, rights-of-way, and relocations
- Costs that are unallowable (e.g., lobbying and alcoholic beverages) under [2 CFR 200 Subpart E](#) – Cost Principles.

VI. ENVIRONMENTAL JUSTICE REQUIREMENTS

EPA is firmly committed to addressing environmental justice issues for environmentally overburdened communities while meeting the agency's mission to protect human health and the environment. To that end, EPA is requiring states and Tribes to integrate environmental justice and equity planning and controls, such as those described in an August 17, 2023 EPA document titled *Environmental Justice Guidance for UIC Class VI Permitting and Primacy*,¹ into their processes as a threshold requirement to receive funding under this grant program. Specific requirements are described in detail in the terms and conditions for this grant program and are based on recommendations and considerations in the above referenced guidance document. The grant-specific terms and conditions for Environmental Justice are included as Appendix F.

The requirements detailed in the terms and conditions can be grouped in the following themes (and are more fully described in Appendix F):

- Review of existing state or Tribal laws, regulations, and policies to determine if there are environmental justice considerations, civil rights requirements, or both that can be incorporated into the Class VI program
- Identification of communities with potential environmental justice concerns (e.g., using state, Tribal, or federal screening and mapping tools such as EJScreen or the Climate and Economic Justice Screening Tool)
- Augmentation of the public participation process connected to proposed Class VI projects and Class VI permits
- Conducting additional assessments when environmental justice concerns are identified in order to evaluate project impacts
- Ensuring of transparency through the permitting process, operation, and closure of the well
- Minimization of adverse effects to USDWs and communities they serve.

States with existing Class VI primacy must commit in their work plans to, as described in the terms and conditions of this grant program, integrating environmental justice and equity planning and controls in their approved Class VI program. This shall include modifications, where necessary, to the state's program description, Memorandum of Agreement, and such other documents as EPA determines to be necessary under the circumstances. States or Tribes without existing Class VI primacy must also commit in their workplans to incorporating environmental justice and equity planning and controls, where necessary, in those same documents.

¹ https://www.epa.gov/system/files/documents/2023-08/Memo%20and%20EJ%20Guidance%20for%20UIC%20Class%20VI_August%202023.pdf.

VII. ALLOCATION OF FUNDS

According to Division J of the BIL, up to three percent of the \$50 million appropriation shall be for EPA's salaries, expenses, and administration, and one-half of one percent of the \$50 million appropriation shall be transferred to the EPA Office Of Inspector General for oversight of funding. Therefore, \$48,250,000 in funds are available to be awarded to states, Tribes, or territories.

On January 19, 2023, EPA sent letters to states, Tribes, and territories saying that in order to receive funding, states, tribal governments and territories must submit letters of intent (LOI) to EPA. EPA received LOIs from 25 programs, including 23 states and 2 Tribes. An allotment from the \$48,250,000 in available funds has been calculated for each of these states or Tribes by evenly allocating the funds among them, as shown in the table below. These states and Tribes will be able to apply for grant funding for project periods of up to five years. There is no non-federal cost share requirement for the UIC Class VI Wells Grant Program.

State/Tribal UIC Class VI Wells Grant Program Allotments

Region	State/Tribe	Allotment
3	Delaware	\$1,930,000
3	Pennsylvania	\$1,930,000
3	West Virginia	\$1,930,000
4	Alabama	\$1,930,000
4	Georgia	\$1,930,000
4	Kentucky	\$1,930,000
4	Mississippi	\$1,930,000
5	Michigan	\$1,930,000
5	Ohio	\$1,930,000
6	Louisiana	\$1,930,000
6	New Mexico	\$1,930,000
6	Oklahoma	\$1,930,000
6	Texas	\$1,930,000
7	Kansas	\$1,930,000
7	Nebraska	\$1,930,000
8	Colorado	\$1,930,000
8	MHA Nation ²	\$1,930,000
8	Montana	\$1,930,000

² The Three Affiliated Tribes of the Mandan, Hidatsa and Arikara Nation

8	North Dakota	\$1,930,000
8	Utah	\$1,930,000
8	Wyoming	\$1,930,000
9	Arizona	\$1,930,000
9	Navajo Nation	\$1,930,000
10	Alaska	\$1,930,000
10	Oregon	\$1,930,000

VIII. APPLICATION PACKAGE AND SUBMISSION INFORMATION

This section lists the required documentation and information states and Tribes must provide the EPA to apply for these grants. The EPA Regional offices are the primary points of contact to approve applications and award funding.

Application Package: The application package must include the following forms:

Mandatory Forms

- a. **Standard Form (SF) 424**, Application for Federal Assistance
- b. **Standard Form (SF) 424A**, Budget Information for Non-Construction Programs
- c. **EPA Form 5700-54, Key Contacts Form**
- d. **EPA Form 4700-4**, Pre-award Compliance Review
- e. **Project Narrative Attachment Form** (see section IX Scope of Work below)

Optional Forms: Other Attachment Form: **Negotiated indirect cost rate agreement (as applicable)**

Submission Instructions: The EPA Regions will communicate to states and Tribes the instructions for submitting applications through Grants.gov (www.Grants.gov), including how to access the opportunity. **Funding Opportunity Number: EPA-I-OW-OGWDW-UIC-01, Assistance Listing: 66.486.** States or Tribes interested in receiving awards in federal fiscal year 2024 should work with EPA Regions to ensure that complete applications are submitted by the applicable EPA regional deadlines. States and Tribes should reach out to their respective EPA Region for more information.

IX. SCOPE OF WORK (Workplan)

States and Tribes should consider the following parameters and information found in Appendix A when developing their scope of work.

A. Project and Budget Period: It is anticipated that project/ budget periods will be no more than five years.

B. Eligible Activities: States and Tribes will use funding for eligible activities related to establishing and operating a UIC Class VI primacy program (see IV. ELIGIBLE ACTIVITIES).

C. Grant Programmatic Priorities: The principal objective of the program is to facilitate state and Tribal UIC Class VI primacy program development and implementation.

D. Strategic Plan Linkage and Anticipated Outputs/Outcomes

Pursuant to Section 6a of [EPA Order 5700.7, Environmental Results under the EPA Assistance Agreements](#), recipients must link proposed assistance agreement workplans with the Agency's Strategic Plan. The EPA also requires that workplans adequately describe environmental outputs and outcomes to be achieved under assistance agreements.

Linkage to the EPA's Strategic Plan: The activities to be funded support the [EPA's FY 2022-2026 Strategic Plan](#). Funding will support Goal 5, "Ensure Clean and Safe Water for All Communities," Objective 5.1, "Ensure Safe Drinking Water and Reliable Water Infrastructure." Applicants must explain in their workplan how their project will further this objective.

States and Tribes must include specific statements describing the environmental results of proposed activities in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that will demonstrate how activities will contribute to program priorities.

Outputs: The term "output" means an environmental activity, effort, and/or associated work product related to an environmental goal and objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period.

Expected outputs from the activities to be funded under this announcement may include, but are not limited to, the following:

- Completion of Class VI primacy or program revision initial activities
- Promulgation of state or Tribal Class VI regulations that meet the minimum Federal standards

- Finalization of each element of a Class VI program submission
- Development of environmental justice screening tools and steps to proactively address environmental justice
- Incorporation of environmental justice principles and engagement
- Submission of a Class VI primacy or program revision application to EPA
- Development and updates to general Class VI program procedures and resources
- Funding mechanisms established for Class VI program support
- Increase in number of Class VI staff hired and trained
- Completion of environmental justice analyses for Class VI permit applications
- Implementation of specific mitigation measures, as appropriate and permitted by law, to address concerns raised by the local community
- Decisions made on Class VI permit applications
- Reviews of monitoring data completed
- Inspection of Class VI wells
- Submission of EPA reports
- Reviews of post-injection and site closure materials
- Outreach activities completed to general and project-specific stakeholders and communities with environmental justice concerns
- Development and maintenance of a Class VI database
- Attendance at Class VI-related conferences

Outcomes: The term “outcome” means the result, effect or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be qualitative and environmental, behavioral, health-related or programmatic in nature, but must also be quantitative. They may not necessarily be achievable within an assistance agreement funding period.

Expected outcomes from the activities to be funded under this announcement may include, but are not limited to, the following:

- Successful approval of state or Tribal Class VI primacy program
- Protection of underground sources of drinking water from endangerment
- Prevention of potential human health and, as appropriate, environmental effects from UIC Class VI activity on marginalized, overburdened, and Tribal communities, or other communities with potential environmental justice concerns
- Prevention, as appropriate, of any increase in environmental impacts, resource issues, and public health risks from Class VI activity in already overburdened communities
- Reduction of CO₂ emissions to the atmosphere and mitigation of climate change

X. STATE AND TRIBAL ACTIVITIES SELECTION

EPA recognizes that there is a wide variation among states and Tribes and is presenting this process to provide a general outline of the steps to be followed for state and Tribal submissions. Each state or Tribe will submit a draft workplan of up to five years to their respective EPA Region. The EPA Regions must be able to determine from the draft workplans that activities conform to all applicable requirements of the grant program. The EPA Region will work with the state or Tribe to ensure that the final workplan: (1) is designed to help achieve the goals and objectives of the grant program; (2) includes costs that are eligible, reasonable, necessary, allowable, and consistent with the grant program; (3) clearly identifies the specific outcomes, outputs, and other results that are linked to funding and includes target dates and milestones for achieving them.

States and Tribes are strongly encouraged to begin their internal process as early as possible to identify activities for the award. States, Tribes, and the EPA Regions are also encouraged to discuss proposed activities prior to submission of the draft workplan so that the subsequent application submission can be reviewed and approved quickly. The EPA encourages states and Tribes to submit draft workplans to the EPA Region as soon as possible. If the state or Tribe believes that difficult issues may arise, they should engage the EPA Region in advance of developing the draft workplan.

If on [INSERT DATE 1 YEAR AFTER PRESS RELEASE] an eligible state or Tribe has not submitted an application, the EPA Region may work with the state or Tribe to develop a schedule for application submittal that if not met may result in the funds being reallocated to eligible state(s) or Tribe(s).

XI. COST SHARING REQUIREMENTS

There is no cost share requirement associated with this grant program.

XII. AWARD ADMINISTRATION INFORMATION

A. Regulatory Requirements for Grant Assistance Agreements: This award is subject to the regulations of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards; Title 2 CFR, Parts 200 and 1500. A listing and description of the EPA's general regulations applicable to the award of assistance agreements may be viewed at: <https://www.epa.gov/grants/policy-regulations-and-guidance-epa-grants>.

B. Terms and Conditions: General administrative and programmatic terms and conditions applicable to the EPA's assistance agreements may be viewed at

www.epa.gov/grants/grantterms-and-conditions. The EPA Headquarters will provide the EPA Regions with a list of terms and conditions that will also be applicable. The EPA Regions will ensure that all applicable terms and conditions are included in the grant agreements.

C. Funding to Subrecipients: Funding may be used to provide subawards of financial assistance provided the recipient complies with applicable requirements for subawards including those contained in 2 CFR Part 200 and the EPA's Subaward Policy at <https://www.epa.gov/grants/grants-policy-issuance-gpi-16-01-epa-subaward-policy-epaassistance-agreement-recipients>. The National Term and Condition for Subawards is available at https://www.epa.gov/sites/production/files/2016-02/documents/gmc_subaward_policy_appendix_b_national_t_and_c.pdf.

Funding to Other State Agencies: The EPA's general policy, based on the definitions of the terms "Non-federal entity" ([2 CFR §200.69](#)), "Pass-through entity" ([2 CFR §200.74](#)) "Recipient" ([2 CFR §200.86](#)) and "State" ([2 CFR §200.90](#)), is that the State itself is the legal entity that receives the funds even if one particular component of the State is named in the assistance agreement as the recipient. Transfers of funds between State agencies to perform a particular financial assistance agreement would, therefore, be governed by State law. Additionally, [2 CFR §200.417](#) "Interagency Services" contemplates situations in which one agency provides services to another agency within the same unit of government as a direct cost of performing the EPA assistance agreement.

If utilizing interagency service agreements between State agencies under 2 CFR §200.417, the expenditures the State agency makes to carry out the Interagency Service Agreement should be shown in the corresponding direct cost categories (Personnel, Travel, Contractual etc.). If State law characterizes agreements under which one State agency provides services to another State agency as a procurement contract, then the costs would be placed in the contractual category. In interagency service situations, 2 CFR §200.417 provides the State may charge a pro-rated share of indirect costs for the service, or 10% of the "...direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service." Centralized services included in central service cost allocation plans subject to [2 CFR Part 200 Appendix V](#) are accounted for separately.

There may be situations in which State law provides that State agencies or instrumentalities are legally separate for the purposes of financial transactions between them or when State financial management policies for Federal assistance agreements require separate instruments for accounting purposes (e.g., due to differences in indirect cost rates). In those situations, a State may characterize appropriate funding transfers as subawards. Note, however, that if one State agency provides a subaward to another State agency the State agency acting as the

passthrough entity must comply with applicable provisions of 2 CFR Part 200 (including [2 CFR §200.331](#)), the National Term and Condition for Subawards, and the EPA Subaward Policy unless the EPA provides an exception. The aggregate cost estimates for subawards to other State agencies or instrumentalities should be included as line items in the “Other” budget category.

D. Procurements: When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with [2 CFR §200.322](#) Procurement of Recovered Materials, and ensure that every purchase order or other contract includes any clauses required by section [2 CFR §200.326](#) Contract provisions. All other non-Federal entities, including subrecipients of a State (other than another State agency), will follow §200.318 General Procurement Standards through §200.326 Contract Provisions.

E. Performance Partnership Grants: Funds awarded under this program are not eligible for inclusion with the state or Tribe’s Performance Partnership Grants.

G. Expenses Incurred Prior to the Project Period: The allowability of pre-award costs are governed by 2 CFR 200.458 and 2 CFR 1500.9 EPA defines pre-award costs as costs incurred prior to the award date, but on or after the start date of the Budget period and Period of performance as defined in 2 CFR 200.1. Under EPA’s interpretation of 2 CFR 200.308(e)(1) and 2 CFR 1500.9, all eligible costs must be incurred during the budget/ performance period as defined by the start and end date shown on the grant award to receive EPA approval. This interpretation is implemented in a grant-specific Term and Condition entitled “Pre-award Costs” which will be included in all awards when the recipient has incurred EPA approved costs prior to award.

H. Quality Assurance/Quality Control: Activities that include the collection of environmental data will need to comply with the Quality Assurance/Quality Control requirements in [2 CFR 1500.12](#). Environmental data are any measurements or information that describe environmental processes, location, or conditions; ecological or health effects and consequences; or the performance of environmental technology. States and Tribes should allow sufficient time and resources for this process in order to avoid delays in receiving funding. The EPA can assist states and Tribes in determining whether QA/QC is required for a proposed project and, if required, the appropriate QA/QC practices needed.

I. Application of Federal Cross-Cutting Authorities (Cross-Cutters): A number of federal laws, executive orders, and government-wide policies apply by their own terms to projects and activities receiving federal financial assistance, regardless of whether the statute authorizing the assistance makes them applicable. All programs, projects, and activities for which a state or

Tribe provides assistance are subject to the following federal anti-discrimination laws: Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq.; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; and the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6102. A state or Tribe is responsible for ensuring that assistance recipients comply with the requirements of crosscutters, see Appendix E.

J. Reporting Requirements: Entities receiving assistance will provide semi-annual progress reports that adhere to the Performance and Financial Monitoring and Reporting requirements as outlined in the Office of Management and Budget's Uniform Grant Guidance (2 CFR 200). The reporting period will be identified in the terms and conditions of the assistance agreements. Further, in accordance with [2 CFR §200.329](#), the recipient agrees to report on key project characteristics, milestones, and environmental/public health protection results in the following areas: 1) achievement of the outputs and outcomes established in the workplan; the recipient must describe how applicable environmental justice requirements were met during the reporting period; 2) the reasons for delays if established outputs or outcomes were not met; and 3) any additional pertinent information on environmental/public health results. Information provided in the reports helps monitor the state or Tribe's progress with implementing their project and also directly supports the Grant Program by highlighting measurable accomplishments to the public and Congress. Final reports shall be submitted within 120 calendar days of the project/budget period end date and summarize accomplishments, expenditures, outcomes, outputs, lessons learned, and any other resources leveraged during the project and how they were used.

XIII. CONTACT INFORMATION

If you have any questions concerning the contents of this document, you may contact Colin Dyroff, Class VI Grant Program Lead, Underground Injection Control Branch, Drinking Water Infrastructure Development Division, at (202) 564-3149, UIC-ClassVI@epa.gov, or William Bates, Manager, Underground Injection Control Branch, Drinking Water Infrastructure Development Division, at (202) 564-6165, UIC-ClassVI@epa.gov.

EPA Regional Contacts

Address	Contact	States Represented
U.S. EPA Region 1 5 Post Office Square, Suite 100 Boston, MA 02109-3912 Phone: 508-280-8707	Stafford Madison Madison.Stafford@epa.gov	CT, ME, MA, NH, RI, VT
U.S. EPA Region 2 290 Broadway, 18th Floor New York, NY 10007-1866 Phone: 212-637-4006	Christine Ash Ash.Christine@epa.gov	NJ, NY, PR, VI
U.S. EPA Region 3 1650 Arch Street Philadelphia, PA 19103 Phone: 215-814-2112	Himanshu Vyas Vyas.Himanshu@epa.gov	DE, DC, MD, PA, VA, WV
U.S. EPA Region 4 61 Forsyth Street, SW Atlanta, GA 30303-8960 Phone: 404-562-9439	Larry Cole Cole.Larry@epa.gov Samuel Yun Yun.Samuel@epa.gov	AL, FL, GA, KY, MS, NC, SC, TN
U.S. EPA Region 5 77 West Jackson Boulevard Chicago, IL 60604-3507 Phone: 312-353-4779	Janette Hansen Hansen.Janette@epa.gov	IL, IN, MI, MN, OH, WI
U.S. EPA Region 6 1445 Ross Avenue, Suite 1200 Dallas, TX 75202-2733 Phone: 214-665-7150	Mike Vaughan Vaughan.Michael@epa.gov	AR, LA, NM, OK, TX

Address	Contact	States or Tribes Represented
U.S. EPA Region 7 11201 Renner Boulevard Lenexa KS 66219 Phone: 913-551-7351	Mike Beringer Beringer.Michael@epa.gov	IA, KS, MO, NE
U.S. EPA Region 8 1595 Wynkoop Street Denver, CO 80202-1129 Phone: 303-312-6299	Fraser Evans Evans.Fraser@epa.gov	CO, MT, ND, SD, UT, WY, Fort Peck, MHA Nation
U.S. EPA Region 9 75 Hawthorne St. San Francisco, CA 94105 Phone: 415-972-3971	David Albright Albright.David@epa.gov	AZ, CA, HI, NV, AS, GU, CNMI, Trust Territory of the Pacific Islands, Navajo Nation
U.S. EPA Region 10 1200 Sixth Avenue, Suite 155 Seattle, WA 98101 Phone: 206-553-4743	Karen Burgess Burgess.Karen@epa.gov	AK, ID, OR, WA

XIV. APPENDICES

Appendix A: Summary of Key Workplan Elements

Section 1. Project Details and Overall Approach

SUMMARY STATEMENT

- A. **ACTIVITIES:** *[A description of activities to be funded, as described in Section IV. ELIGIBLE ACTIVITIES, including discussion of how the proposed activities are necessary for UIC Class VI primacy program development or implementation.]*
- B. **ROLES AND RESPONSIBILITIES:** *[A discussion of the roles and responsibilities of the state or Tribe and any other project partners, contractors, or subrecipients.]*

C. **TIMELINE AND MILESTONES:** *[A timeline for the activities selected for funding, including milestones for specific tasks.]*

Section 2. Programmatic Priorities and Strategic Plan Goals

The activities described in this workplan support the grant Programmatic Priorities and EPA's FY 2022-2026 Strategic Plan Goal 5, "Ensure Clean and Safe Water for All Communities," Objective 5.1, "Ensure Safe Drinking Water and Reliable Water Infrastructure."

Section 3. Environmental and Health Results—Outputs and Outcomes

[This section of the X-year workplan includes a discussion of the outputs and outcomes of the project / activities, as described in Section VIII. SCOPE OF WORK].

Section 4. Budget Narrative

[This section of the X-year workplan is a description of the budget and includes estimated funding amounts for each work component/task.]

Appendix B: SEC. 40306. Secure geologic storage permitting

Public Law No: 117-58 Infrastructure Investment and Jobs Act

Text contains those laws in effect on November 15, 2021

Sec. 40306. Secure Geologic Storage Permitting

(a) **Definitions.**—In this section:

(1) **Administrator.**—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) **Class VI well.**—The term "Class VI well" means a well described in section 144.6(f) of title 40, Code of Federal Regulations (or successor regulations).

(b) **Authorization of Appropriations for Geologic Sequestration Permitting.**—There is authorized to be appropriated to the Administrator for the permitting of Class VI wells by the Administrator for the injection of carbon dioxide for the purpose of geologic sequestration in accordance with the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and the final rule of the Administrator entitled "Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO₂) Geologic Sequestration (GS) Wells" (75 Fed. Reg. 77230 (December 10, 2010)), \$5,000,000 for each of fiscal years 2022 through 2026.

(c) **State Permitting Program Grants.**—

(1) **Establishment.**—The Administrator shall award grants to States that, pursuant to section 1422 of the Safe Drinking Water Act (42 U.S.C. 300h-1), receive the approval

of the Administrator for a State underground injection control program for permitting Class VI wells for the injection of carbon dioxide.

(2) Use of funds.—A State that receives a grant under paragraph (1) shall use the amounts received under the grant to defray the expenses of the State related to the establishment and operation of a State underground injection control program described in paragraph (1).

(3) Authorization of appropriations.—There is authorized to be appropriated to the Administrator to carry out this subsection \$50,000,000 for the period of fiscal years 2022 through 2026.

Appendix C: IIJA Division J – Appropriations

Public Law No: 117-58 Infrastructure Investment and Jobs Act

Text contains those laws in effect on November 15, 2021

Division J – Appropriations

State and Tribal Assistance Grants
(including transfers of funds)

For an additional amount for “State and Tribal Assistance Grants”, \$55,426,000,000, to remain available until expended: Provided, That amounts made available under this heading in this Act shall be allocated as follows:

(7) \$50,000,000, to remain available until expended, to award Underground Injection Control grants, as authorized under section 40306 of division D of this Act, and for activities to support states’ efforts to develop programs leading to primacy: Provided, That up to three percent of the amounts made available under this paragraph in this Act shall be for salaries, expenses, and administration: Provided further, That one-half of one percent of the amounts made available under this paragraph in this Act shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

Appendix D: Grant Resources and Policies

Grants Policy Resources

This useful webpage includes a searchable table of the latest resources that may be pertinent to your grant. Use the keyword search to scan for items of specific interest.

<https://www.epa.gov/grants/epa-grants-policy-resources>

Other Grant Policy references that will be useful to consider:

EPA Grants Policy Issuance 16-01 (Sub-awards Policy): <https://www.epa.gov/grants/grants-policyhttps://www.epa.gov/grants/grants-policy-issuance-gpi-16-01-epa-subaward-policy-epa-assistance-agreement-recipientsissuance-gpi-16-01-epa-subaward-policy-epa-assistance-agreement-recipients>

Office of Grants and Debarment Guidance on Selected Items of Cost for Recipients:

<https://www.epa.gov/grants/rain-2018-g01-r>

Interim Guidance on Cost Review of Grants/Performance Partnership Grants Awarded under 40 CFR Part 35 Subpart A: <https://www.epa.gov/grants/interim-guidance-cost-review-grantsperformancehttps://www.epa.gov/grants/interim-guidance-cost-review-grantsperformance-partnership-grants-awarded-under-40-cfr-partpartnership-grants-awarded-under-40-cfr-part>

Best Practice Guide for Procuring Services, Supplies, and Equipment Under Assistance Agreements: <https://www.epa.gov/grants/best-practice-guide-procuring-services-supplies-and-equipment-underhttps://www.epa.gov/grants/best-practice-guide-procuring-services-supplies-and-equipment-under-epa-assistance-agreementsepa-assistance-agreements>

Grants Management Training for Applicants and Recipients: <https://www.epa.gov/grants/epa-grantshttps://www.epa.gov/grants/epa-grants-management-training-applicants-and-recipientsmanagement-training-applicants-and-recipients>

Appendix E: Cross-Cutting Federal Authorities and Policies for Assistance to the Grant Program Environmental Authorities and Policies

- Archeological and Historic Preservation Act, 16 U.S.C. 469 et seq.
- Clean Air Act, 42 U.S.C. 7401 et seq.
- Clean Water Act, 33 U.S.C. 1251 et seq.
- Coastal Barrier Resources Act, 16 U.S.C. 3501 et seq.
- Coastal Zone Management Act, 16 U.S.C. 1451 et seq.
- Endangered Species Act, 16 U.S.C. 1531 et seq.

- Environmental Justice, Executive Order 12898
- Revitalizing Our Nation's Commitment to Environmental Justice for All, Executive Order 14096
- Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Executive Order 13985
- Tackling the Climate Crisis at Home and Abroad, Executive Order 14008
- Flood Plain Management, Executive Order 11988, as amended by Executive Order 12148 and 13690
- Protection of Wetlands, Executive Order 11990, as amended by Executive Order 12608
- Farmland Protection Policy Act, 7 U.S.C. 4201 et seq.
- Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq.
- Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq.
- National Historic Preservation Act, 54 U.S.C. 300101 et seq.
- Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq.
- Safe Drinking Water Act, 42 U.S.C. 300f et seq.
- Wild and Scenic Rivers Act, 16 U.S.C. 1271 et seq.

Economic and Miscellaneous Authorities

- Debarment and Suspension, Executive Order 12549, 2 CFR part 180, 2 CFR part 1532
- Drug-Free Workplace Act, 41 U.S.C. 8101 et seq., 2 CFR part 1536
- New Restrictions on Lobbying, 40 CFR Part 34
- Prohibitions relating to violations of the Clean Water Act or Clean Air Act with respect to Federal contracts, grants, or loans under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, and Executive Order 11738
- Uniform Relocation and Real Property Acquisition Policies Act, 42 U.S.C 4601 et seq., 40 CFR Part 4, 49 CFR Part 24

Civil Rights, Nondiscrimination, Equal Employment Opportunity, Disadvantaged Business Enterprise Participation Authorities

- Age Discrimination Act, 42 U.S.C. 6102 et seq., 40 CFR part 7
- Equal Employment Opportunity, Executive Order 11246
- Section 13 of the Clean Water Act, 33 U.S.C. 1251, 40 CFR part 7

- Section 504 of the Rehabilitation Act, 29 U.S.C. 794, 40 CFR part 7
- Title VI of the Civil Rights Act, 42 U.S.C. 2000d et seq., 40 CFR part 7
- Participation by Disadvantaged Business Enterprises in Procurement Under Environmental Protection Agency (EPA) Financial Assistance Agreements, 40 CFR part 33

Appendix F: Environmental Justice; Grant-Specific Terms and Conditions

For recipients that already have an approved Class VI primacy program:

The recipient must integrate environmental justice and equity planning and controls into its Class VI primacy program. Specific requirements are listed below. The recipient must make modifications to its program, as needed, so that program documents and processes reflect adherence to these requirements. The below requirements are based on EPA's *Environmental Justice Guidance for UIC Class VI Permitting and Primacy*, which can be found at: <https://www.epa.gov/uic/final-class-vi-guidance-documents>. Recipients should use this guidance when modifying their Class VI program. Documents that may require modification include the program description, Memorandum of Agreement, and any other such documents that are necessary under the circumstances. The recipient must implement its Class VI program in accordance with the approach agreed upon in these program documents.

For recipients that do not already have an approved Class VI primacy program:

The recipient must integrate environmental justice and equity planning and controls into its Class VI primacy program. Specific requirements are listed below. These requirements are based on EPA's *Environmental Justice Guidance for UIC Class VI Permitting and Primacy*, which can be found at: <https://www.epa.gov/uic/final-class-vi-guidance-documents>. Recipients should use this guidance when developing their Class VI program. Whether the recipient submits an application for new Class VI primacy in accordance with 40 CFR 145.31 or the recipient initiates a program revision to add Class VI primacy in accordance with 40 CFR 145.32, all program documents (whether new or modified) and processes must reflect adherence to these requirements. Program documents include the program description, Memorandum of Agreement, and other such documents that are necessary under the circumstances. Upon Class VI program approval, the recipient must implement its Class VI program in accordance with the approach agreed upon in these program documents.

For all recipients:

The specific environmental justice requirements referenced above include:

- 1) Recipients must review existing state/territory/tribal laws, regulations, and policies to determine if there are environmental justice provisions, civil rights provisions, or both that can be incorporated into their Class VI programs.
 - a. Where existing laws, regulations, and policies for environmental justice and/or civil rights apply to Class VI permitting, the recipient must:
 - i. Describe their use and operation in support of the Class VI permitting process in the Program Description submitted with their application for UIC Class VI primacy.
 - ii. Reference these relevant provisions in the Attorney General's Letter submitted with their application for UIC Class VI primacy.
 - iii. Include copies of all relevant provisions to accompany their application for UIC Class VI primacy.
 - b. Where there are none or inadequate (adequacy may be determined by comparison to *Environmental Justice Guidance for UIC Class VI Permitting and Primacy* as a guide) existing laws, regulations, and policies for environmental justice and/or civil rights that apply to Class VI permitting, the recipient must:
 - i. Incorporate state or Tribal environmental justice and civil rights laws, policies, or regulations, as appropriate, into any new or existing Class VI permitting program in manner that is protective of USDWs.
- 2) For UIC Class VI permitting actions, recipients must identify communities with potential environmental justice concerns by doing the following:
 - a. Encouraging owner/operators to conduct environmental justice screening assessments during site selection and before submitting a Class VI permit application.
 - b. Conducting and/or verifying owner/operator environmental justice screening assessments for every Class VI permit application received. The recipient must use the Area of Review as the boundary of the area to be screened unless the recipient identifies a more relevant area.
- 3) Recipients must augment the public participation process connected to proposed Class VI projects and Class VI permits in accordance with the following:
 - a. Recipients must encourage owner/operators to initiate community engagement during the project planning and development phase (i.e., in advance of when they are prepared to submit a Class VI permit application) and continue to engage throughout the life of the project. Such engagement should occur regardless of if there are known environmental justice concerns. Recipients must encourage the following community engagement activities to be performed by owner/operators:
 - i. Initiating community engagement during the planning stage of a project to appropriately incorporate input from the surrounding community prior to the eventual development and submittal of an application for a Class VI permit.

- ii. Conducting continued community engagement at regular intervals throughout the life of the Class VI project. Engagement should include activities such as: annual meetings, public events, and periodic updates on social media or on the operator's web site or social media accounts.
 - iii. Providing a summary of pre-application community engagement and outreach activities attached to the permit application to inform the recipient.
 - iv. Engaging the community and key stakeholders such as state and local emergency response officials while developing required Class VI project plans such as the Emergency and Remedial Response Plan, to better understand community concerns and needs.
- b. Where environmental justice concerns have been identified by a screening assessment in the area of a proposed project, the recipient must:
- i. Implement a public participation process targeting affected communities, including:
 - 1. Hosting at least one informational meeting prior to the issuance of a draft Class VI permit.
 - 2. Where owners/operators have not engaged the affected community during the development of their Class VI project: providing opportunity for the community engagement prior to the issuance of a draft Class VI permit.
 - 3. Developing draft and final permit support materials and educational documents in languages that are appropriate for interested communities and ensuring meaningful access to persons with disabilities.
 - 4. Directing communities to additional Class VI permitting resources that may be of assistance to them.
 - ii. Continually engage affected communities throughout the lifetime of the permitted Class VI project by hosting at least one public informational meeting annually.
 - iii. Extend the public comment and participation period associated with the proposed Class VI permit:
 - 1. In response to significant interest from members of the community included in the screening assessment.
 - 2. In response to a submittal of significant new information not previously captured by the screening assessment from members of the community included in the screening assessment.
- 4) For projects that have been identified as having environmental justice concerns, recipients must conduct additional assessments evaluating project impacts in context with such concerns. Assessments will vary according to the specific circumstances of the application, and where appropriate must include:

- a. Additional consideration and analysis of how a Class VI project may affect overburdened or susceptible subpopulations identified in the screening analysis.
 - b. Targeted collection and consideration of input from stakeholders, including the affected community, on the environmental justice concerns.
 - c. Evaluation of existing environmental data relevant to the environmental justice concern and any overburdened communities (e.g., water or air quality monitoring, wellhead protection areas and other data as appropriate).
 - d. Assessment of the permit applicant's records of compliance to determine if additional permit requirements (e.g., increased monitoring, reporting, etc.) may be necessary.
 - e. Evaluation of the potential human health and environmental effects associated with the permitting action on the affected community.
 - f. Evaluation of the potential non-health adverse effects (e.g., noise, odor, and traffic) of the permitting action.
 - g. Evaluation of the potential impact of the permit action together with impacts from other regulated and non-regulated sources of pollution and non-pollution stressors within the affected community.
 - h. Evaluation of mitigation measures to minimize potential adverse effects of the permitting action on affected communities.
- 5) Recipients must ensure that the permitting process is transparent by doing the following:
 - a. Recipients must post appropriate contents of Class VI permit applications on an appropriate public website. Exceptions may be made for application items considered "confidential business information" or similar per state, tribal, and territorial law and application items that would be burdensome to post because of file size, such as all files associated with CO₂ plume modeling.
 - b. Recipients must release environmental justice information developed from review of Class VI permit applications, including environmental justice screening assessment results and any follow-up environmental justice and community impact, mitigation, or needs assessments. This information must be available to the public upon request and released on an appropriate public website.
 - c. Recipients must make Class VI monitoring and compliance reporting data available (e.g., injection pressures, monitoring data, mechanical integrity test results) on an appropriate public website and in a manner that is user-friendly and understandable to the general public.
 - d. Recipients must provide public notification of all Class VI permit violations on an appropriate public website where appropriate
- 6) Recipients must minimize adverse effects to underground sources of drinking water and the communities they may serve. Specifically, recipients must:

- a. Encourage owner/operators, where practicable, to implement additional mitigation measures to address concerns raised by the local community. Such actions could include:
 - i. Installation of carbon dioxide monitoring and release notification networks.
 - ii. Installation of enhanced pollution controls.
 - iii. Adoption of other measures to offset impacts by improving other environmental amenities for the communities near GS projects and providing resources for clean-up of previously degraded public areas.
 - iv. Ensure appropriate community representatives are a part of the development of the Emergency and Remedial Response and Testing and Monitoring plans. Planning activities could include:
 - 1. Training for local responders while training facility staff to respond to emergencies at the facility.
 - 2. Working with community to identify the chain of command for notifying the public of an emergency and incorporate these details into their Emergency and Remedial Response Plans.
 - 3. Developing plans for notification of well related issues and emergencies, including a consideration of local community language needs and the needs of persons with disabilities.
 - 4. Working with community to develop a Testing and Monitoring plan that addresses the risks of the project.
- b. Where additional infrastructure is needed to support CCS projects, recipients must work with the other pertinent entities and agencies to ensure coordination on emergency response plans.
- c. Recipients must enforce Class VI regulatory requirements, subject to Recipients enforcement discretion.
- d. Recipients must review financial responsibility documentation annually, and update as needed, to ensure it remains adequate for use.
- e. Recipients must deny a permit when the permit applicants fail to demonstrate that the proposed project will avoid endangering USDWs.

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1625 N. French Dr., Hobbs, NM 88240
Phone:(575) 393-6161 Fax:(575) 393-0720
District II
811 S. First St., Artesia, NM 88210
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State of New Mexico
Energy, Minerals and Natural Resources
Oil Conservation Division
1220 S. St Francis Dr.
Santa Fe, NM 87505

CONDITIONS

Action 309137

CONDITIONS

Operator: NEW MEXICO ENERGY MINERALS & NATURAL RESOURCE 1220 S St Francis Dr Santa Fe , NM 87504	OGRID: 264235
	Action Number: 309137
	Action Type: [IM-SD] Admin Order Support Doc (ENG) (IM-AAO)

CONDITIONS

Created By	Condition	Condition Date
pgoetze	None	1/29/2024