

# BIL UIC Class VI Grant

11/16/2023



United States  
Environmental Protection  
Agency

Office of Water

# Purpose

- **To meet with states and Tribes that submitted a Letter of Intent (LOI) to participate in the new UIC Class VI grant program in order to discuss key information and answer questions.**

## Background- Statutory Authority

- **\$50 million authorized for Class VI Grant Program under the Infrastructure Investment and Jobs Act of 2021 (IIJA), also known as the Bipartisan Infrastructure Bill (BIL)**
  - **See Section 40306 of the BIL**
  - **See Division J of the BIL**





# Background- Timeline

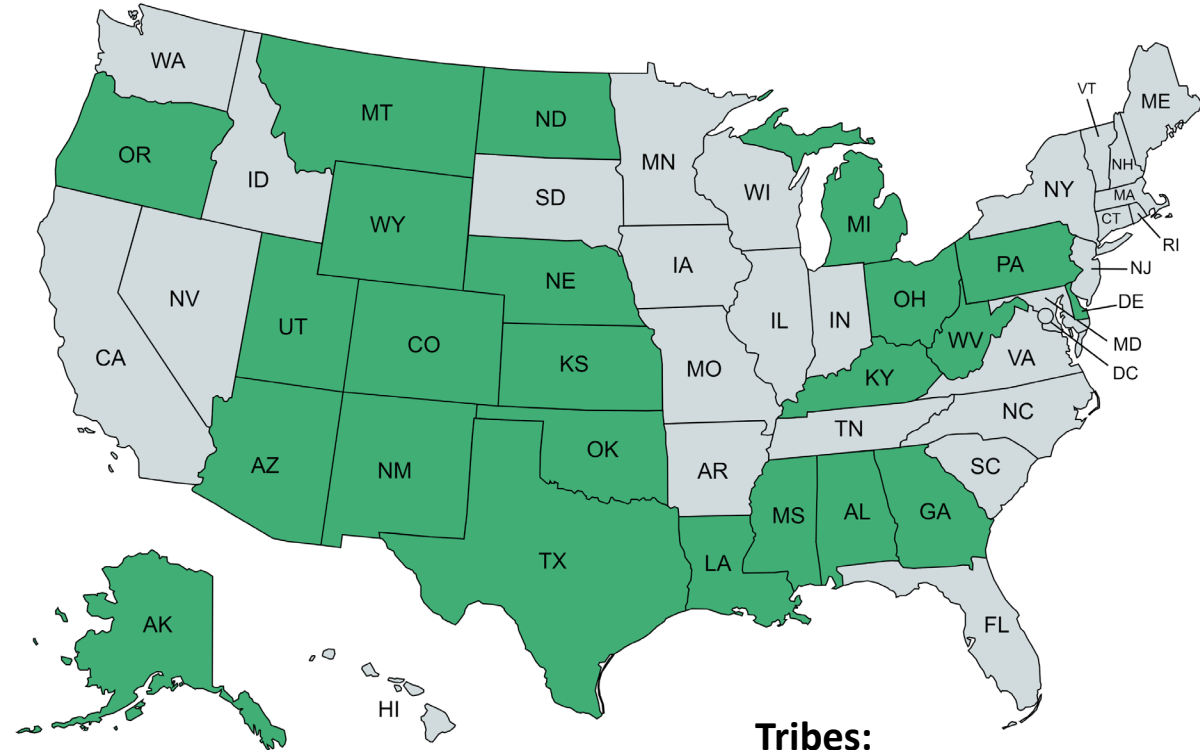
- 11/15/21: BIL is signed into law by President Joe Biden
- 6/22/22: Meeting held with states at GWPC Annual Forum & UIC Conference
- 9/26-11/24/22: Tribal consultation and coordination period
  - 10/18/22: First webinar/listening session for tribes
  - 10/25/22: Second webinar/listening session for tribes
- 12/9/22 and 1/11/23: EPA Administrator Regan sends letters to states and Tribal leaders related to climate change and environmental justice (EJ)
- 1/19/23: Administrator Regan requests letters of intent (LOI) by March 2023.
- 8/17/2023: EPA releases [Memorandum on Environmental Justice for UIC Class VI Permitting and Primacy](#)
- 11/2/2023: EPA releases grant Implementation Document, including state and Tribal funding allotments. States and Tribes may apply for grants at <https://grants.gov>

# Eligible Applicants

- **Section 40306 of the IIJA authorizes 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.**
  - **Note: A *State* is not required to have already received EPA approval for a Class VI program in order to receive funding.**
- **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.”**
- **According to SDWA section 1451, EPA may also treat Indian Tribes as *States*. Indian Tribes are defined in SDWA section 1401 as “any Indian Tribe having a Federally recognized governing body carrying out substantial governmental duties and powers over any area.”**

# Eligible Applicants

- Eligible recipients include the 23 states and 2 Tribes that submitted Letters of Intent by March 2023.
- States and Tribes are eligible for these BIL funds to develop their UIC Class VI programs and need not have already received primacy.



**Tribes:**

Navajo Nation

MHA Nation<sup>1</sup>

<sup>1</sup> The Three Affiliated Tribes of the Mandan, Hidatsa and Arikara Nation

# Eligible Activities

- **Eligible activities under Section 40306 of the BIL include activities related to the establishment and operation of a Class VI primacy program. This may include:**
  - **Class VI primacy and program revision activities**
  - **Class VI program implementation activities**

# Eligible Activities

- Eligible **primacy and program revision** activities may include, but are not limited to:
  - Initial activities
  - Class VI regulatory development
  - Environmental justice tool and process development
  - Development of program submission
  - Primacy or program revision application submittal



# Eligible Activities

- Eligible Class VI **program implementation** activities may include, but are not limited to:
  - General program procedures and resources
  - Development of long-term state or Tribal UIC program funding mechanisms (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-operational activities
  - Operations activities
  - Post-injection activities
  - Site closure activities
  - Outreach and communications specific to individual projects
  - Reporting to EPA
  - Data management
  - Travel

# Ineligible Activities

- **Ineligible activities include, but are not limited to:**
  - **UIC 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**

# Environmental Justice Requirements

- **Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.**



# Environmental Justice Requirements

- As a condition of receiving funding, applicants must integrate environmental justice (EJ) and equity planning and controls into their Class VI program.
- EJ and equity considerations must be incorporated into new and existing program descriptions, memorandums of agreement, and other necessary documents.
- EJ requirements apply to all programs, including for States with existing Class VI primacy approval.
- Specifics described in the Terms & Conditions for this grant program and are based on EPA's August 17, 2023 *Environmental Justice Guidance for UIC Class VI Permitting and Primacy*<sup>1</sup>

<sup>1</sup> [https://www.epa.gov/system/files/documents/2023-08/Memo and EJ Guidance for UIC Class VI August 2023.pdf](https://www.epa.gov/system/files/documents/2023-08/Memo%20and%20EJ%20Guidance%20for%20UIC%20Class%20VI%20August%202023.pdf)

# Environmental Justice Requirements

- **Environmental justice requirements can be grouped in the following themes:**
  - **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 their Class VI programs.**
  - **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 transparency through the permitting process, operation, and closure of the well**
  - **Minimization of adverse effects to USDWs and the communities they serve**



# Environmental Justice Requirements

- **Relevant resources include:**

- **EPA Administrator Regan's letters to governors<sup>1</sup> and Tribal leaders<sup>2</sup> calling for partnership to advance the twin goals of combatting climate change and supporting EJ goals.**
- **EPA's August 17, 2023 *Environmental Justice Guidance for UIC Class VI Permitting and Primacy*<sup>3</sup> (Also included in Implementation Document as Appendix F)**
- ***Implementation Document*<sup>4</sup>**
- **Fact Sheet<sup>5</sup>**

<sup>1</sup> [https://www.epa.gov/system/files/documents/2022-12/AD.Regan\\_.GOVS\\_.Sig\\_.Class%20VI.12-9-22.pdf](https://www.epa.gov/system/files/documents/2022-12/AD.Regan_.GOVS_.Sig_.Class%20VI.12-9-22.pdf)

<sup>2</sup> [https://www.epa.gov/system/files/documents/2023-01/EPA%20Class%20VI%20Underground%20Injection%20Control%20Wells%20Letter%20from%20Administrator%20Regan\\_.0.pdf](https://www.epa.gov/system/files/documents/2023-01/EPA%20Class%20VI%20Underground%20Injection%20Control%20Wells%20Letter%20from%20Administrator%20Regan_.0.pdf)

<sup>3</sup> <https://www.epa.gov/system/files/documents/2023-08/Memo and EJ Guidance for UIC Class VI August 2023.pdf>

<sup>4</sup> <https://www.epa.gov/system/files/documents/2023-11/uic-class-vi-primacy-grant-implementation-document.pdf>

<sup>5</sup> <https://www.epa.gov/system/files/documents/2023-11/uic-class-vi-grant-fact-sheet.pdf>

# Allocation of Funds

- **\$48,250,000** available for awards to states and tribes.
- **Allocated evenly among the 25 states and Tribes that submitted a LOI**
- **One-time release of funding**
- **The following states and Tribes have been allocated **\$1,930,000**:**
  - Alabama • Georgia • Michigan • New Mexico • Pennsylvania
  - Alaska • Kansas • Mississippi • North Dakota • Texas
  - Arizona • Kentucky • Montana • Ohio • Utah
  - Colorado • Louisiana • Navajo Nation • Oklahoma • West Virginia
  - Delaware • MHA Nation<sup>1</sup> • Nebraska • Oregon • Wyoming

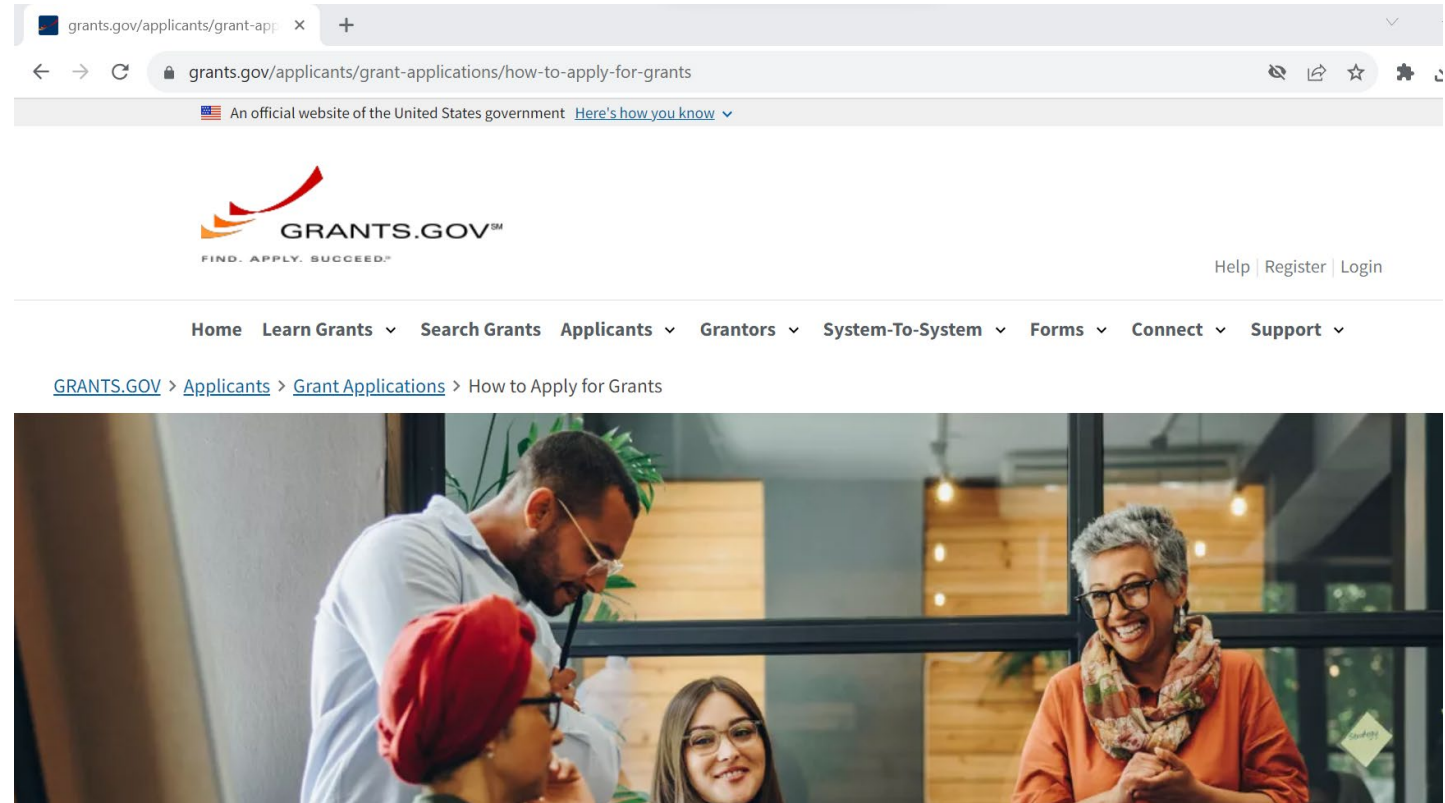
<sup>1</sup> The Three Affiliated Tribes of the Mandan, Hidatsa and Arikara Nation

# Application Package and Submission

- **The package must contain the following forms:**
  - **Mandatory forms:**
    - **Standard Form (SF) 424, Application for Federal Assistance**
    - **Standard Form (SF) 424A, Budget Information for Non-Construction Programs**
    - **EPA Form 5700-54, Key Contacts Form**
    - **EPA Form 4700-4, Pre-award Compliance Review**
    - **Project Narrative Attachment Form**
  - **Optional forms:**
    - **Other Attachment Form: Negotiated indirect cost rate agreement (as applicable)**

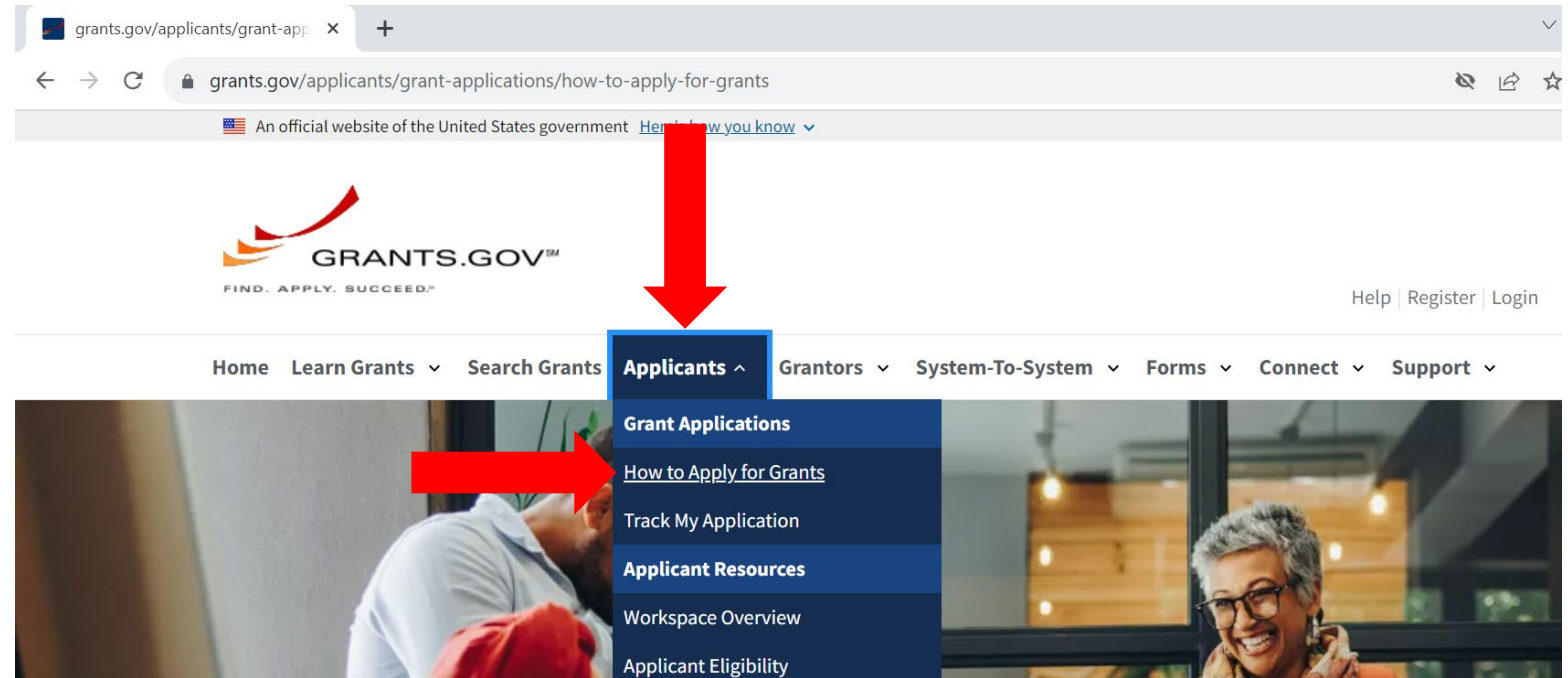
# Application Package and Submission

- **Submission instructions (see Implementation Document):**
  - [www.Grants.gov](https://www.Grants.gov)
  - Funding Opportunity Number: EPA-I-OW-OGWDW-UIC-01
  - Assistance Listing: 66.486



# Application Package and Submission

- To find on [www.Grants.gov](https://www.Grants.gov):
  - Click 'Applicants' drop-down menu
  - Click 'How to Apply for Grants'
  - Scroll down page and click 'Search for Opportunity Package'



**Note: This opportunity cannot be found with the 'Search Grants' dropdown (to the left of 'Applicants')**



# Application Package and Submission

**No hard deadline. However:**

- **States and Tribes interested in receiving awards in federal fiscal year 2024 should work with EPA Regions to ensure that complete applications are submitted by applicable regional deadlines.**
- **If after 1 year, a 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.**



# Scope of Work

- ***States* should consider the following parameters when developing their scope of work:**
  - **Project and Budget Period:** It is anticipated that project/budget periods will be no more than five years.
  - **Eligible Activities**
  - **Grant Programmatic Priorities**
  - **Strategic Plan Linkage and Anticipated Outputs/Outcomes**

**Note: See Implementation Document for more information on the above.**

# Award Administration Information

- **See the Implementation Document for more information on:**
  - Regulatory Requirements for Grant Assistance Agreements
  - Terms and Conditions
  - Funding to Subrecipients
  - Procurements
  - Performance Partnership Grants
  - Expenses Incurred Prior to the Project Period
  - Quality Assurance/Quality Control
  - Application of Federal Cross-Cutting Authorities
  - Reporting Requirements

# Other Information in Implementation Document

- **Contact information (HQ and Regional)**
- **Summary of key workplan elements**
- **Statutory language**
- **Grant Resources and Policies**

# Questions?



United States  
Environmental Protection  
Agency



# Contact Information

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State of New Mexico  
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1220 S. St Francis Dr.  
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CONDITIONS  
  
Action 309140

CONDITIONS

Operator: NEW MEXICO ENERGY MINERALS & NATURAL RESOURCE 1220 S St Francis Dr Santa Fe , NM 87504	OGRID: 264235
	Action Number: 309140
	Action Type: [IM-SD] Admin Order Support Doc (ENG) (IM-AAO)

CONDITIONS

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