

Congress of the United States
Washington, DC 20515

June 14, 2024

The Honorable Michael S. Regan
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20024

Dear Administrator Regan:

We write to express our strong, continued concerns with the Environmental Protection Agency (EPA)'s possible transfer of its Safe Drinking Water Act regulatory authority of Class VI carbon sequestration wells to the Texas Railroad Commission (Commission). Before the EPA delegates portions of its oversight authority to the Commission, we believe the EPA should address the major gaps in the Commission's ability to protect human and environmental health and safety.

The Texas Railroad Commission has a sorry history of lax regulations and enforcement that prioritizes fossil fuel executives over the well-being of our communities. The EPA must ensure the State of Texas is ready to fully enforce laws and regulations in the public interest and protect the health of its citizens. Please provide written and comprehensive answers to the following questions to ensure that this process is transparent and fair to Texans:

1. As the EPA currently processes permit applications for Class VI wells in Texas, has it considered where wells will be located? How close can the wells be to residential communities, medical facilities, and schools? Are any areas excluded in order to protect human and environmental health?
2. What public engagement will EPA conduct with nearby residents? Will that engagement consist of mere public notice or involve public meetings? What is the maximum radius from a proposed well in which residents will be engaged?
3. What public engagement will the EPA require the Texas Railroad Commission to conduct while processing permits for new wells? Will it consist of mere public notice or involve public meetings? Will the Commission's public engagement be accessible in Spanish and other commonly-spoken languages in impacted communities? Does the Texas Railroad Commission's Office of Public Engagement, created just last year, have the staff and resources to meaningfully work with local communities throughout the permitting process?
4. What safety and emergency response plans exist for leaking wells? How will the EPA ensure the Texas Railroad Commission implements an effective emergency response if the agency

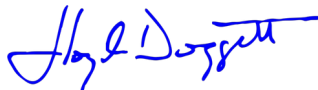
surrenders its oversight? Will the EPA and the Texas Railroad Commission communicate sufficient information regarding well location and depth to local emergency responders to best equip them to act?

5. How do Class VI wells affect drinking water sources' quantity and quality? How will the EPA and Texas Railroad Commission account for current water scarcity concerns in the permitting process?
6. If the EPA transfers its authority of Class VI well permitting to Texas, how will it ensure that the Texas Railroad Commission does not unduly burden environmental justice communities?
7. Will the EPA ensure that any Memorandum of Agreement with the Texas Railroad Commission includes environmental justice provisions equivalent to federal standards? How will families harmed by violations of such provisions be able to seek justice from the Texas Railroad Commission, if it neglects implementing its Memorandum of Agreement?

We are greatly concerned with the EPA's apparent willingness to transfer its authority under the Safe Drinking Water Act to the Texas Railroad Commission. As of April 2024, across America, there are at least 15 Class VI wells in operation, with only four under the EPA's oversight. Class VI wells are a new pursuit, and we have yet to see their long-term or even their immediate effects on nearby communities. This is a pivotal time to ensure permits are reviewed with great care and stringent adherence to the Safe Drinking Water Act. Surrendering authority now, especially to a state agency known for neglecting human and environmental health and safety, establishes a dangerous landscape of underregulated wells.

Please provide a written and prompt response to these questions.

Sincerely,



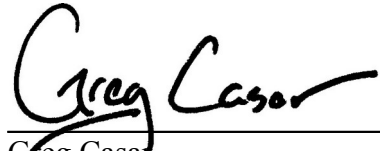
Lloyd Doggett
Member of Congress



Joaquin Castro
Member of Congress



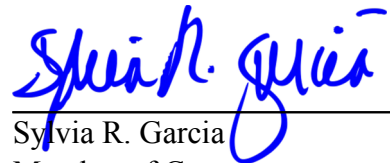
Veronica Escobar
Member of Congress



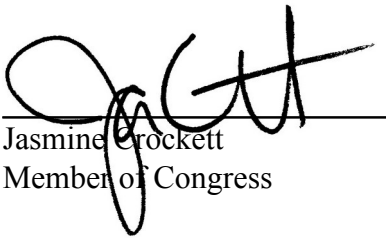
Greg Casar
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