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Evaluation of the EPA's Implementation of the Underground Injection Control Class VI Well Program: EPA Office of Inspector General Report

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The United States Environmental Protection Agency ("EPA") Office of Inspector General ("OIG") issued a July 28th report titled:

Evaluation of the EPA's Implementation of the Underground Injection Control Class VI Well Program ("Report").

See Report No. 25-E-0045.

EPA operates pursuant to the authority of the Safe Drinking Water Act the Underground Injection Control Program. This Program categorizes injection wells into one of six classes. The classes are based on the type and depth of the injection activity as well as its potential to endanger an underground source of drinking water.

Class VI wells store injected carbon dioxide in deep rock formations. The Report notes that this carbon dioxide storage process is called geologic sequestration. Such sequestration can be used to reduce carbon dioxide emissions in the atmosphere.

OIG states that the Report was initiated to determine whether EPA has used available resources to improve permitting of Class XI wells under its Underground Injection Control Program. Such resources are noted to include funds appropriated by the Infrastructure Investment and Jobs Act ("IIJA").

OIG determined that EPA met Congress's intent to spend annual and supplemental appropriations to:

...grow Class VI Program expertise and capacity and improve Class VI permitting with one exception.

The referenced exception is the failure to spend \$1.2 million of fiscal year 2023 annual appropriations within the available time frame for their intended purpose. The intended purpose was to support training for personnel who regulate Class VI wells.

EPA is stated to have successfully used annual appropriations to:

- Increase the number of staff focused on Class VI work.
- Enhance its data and information management tools.
- Develop additional guidance for Class VI Program implementation.

85% of supplemental IJIA Act funds are stated to have been used to obtain extramural support for regional Class VI permitting using contracts and interagency agreements.

The Report also includes, however, that regardless of additional resources available, EPA is not:

...on track to issue all final Class VI permits within its 24-month goal.

Further, the agency is stated to have not consistently determined whether permit applications were complete within 30 days of submission. This timeline is required by 40 C.F.R. § 124.3(c).

OIG also opines:

- EPA can also take steps to enhance public transparency for the Class VI permitting process.
- EPA has not demonstrated that its interagency agreements with the U.S. Department of Energy's National Laboratories to support the Class VI Program comply with the Federal Acquisition Regulation and EPA policy.

OIG puts forth the following recommendations:

1. Assess the Class VI permitting process and establish a plan to achieve the Agency's goals and deadlines;
2. Develop a procedure to enhance public transparency;
3. Assess whether the EPA's interagency agreements with the National Laboratories comply with the Federal Acquisition Regulation, as well as take any necessary actions to ensure compliance with federal regulation and EPA policy; and
4. Ensure that the National Laboratories submit all monthly progress reports in accordance with the requirements of the interagency agreements.

A copy of the OIG Report can be downloaded [here](#).