

EPA signs off on North Dakota regulation of CO2 wells

May 9 2017, by Blake Nicholson

The Trump administration is proposing to make North Dakota the first state with the power to regulate underground wells used for long-term storage of waste carbon dioxide captured from industrial sources such as coal-fired power plants.

Environmental Protection Agency Administrator Scott Pruitt on Tuesday signed off on the proposal that had languished under the Obama administration. A final decision will come after a 60-day public comment period that will follow a Federal Register posting. North Dakota, which has a large coal industry, would be the first state to get such authority, according to the EPA.

North Dakota already has regulatory authority over numerous other types of injection wells, such as those used to store waste from oil production. Giving the state authority over CO2 wells, known as Class VI wells, could help advance carbon capture and sequestration technology, Pruitt said. CO2 is a greenhouse gas said to contribute to global warming.

"North Dakotans know better than anyone the needs of their environment, economy, and communities," Pruitt said in a statement. "By taking action toward authorizing North Dakota's Class VI program, we will empower state regulators, provide needed certainty, and advance CCS technologies, all while ensuring drinking water sources remain protected."

The state's rules for CO2 wells need to be as stringent as federal

standards approved in 2010, and the EPA would oversee the state program. Under the setup, North Dakota's regulatory Industrial Commission can work more closely with energy producers and tailor rules for such things as well testing and liability, giving them clear guidelines, said Ryan Bernstein, chief of staff for U.S. Sen. John Hoeven, a North Dakota Republican.

The Industrial Commission, comprised of the governor, attorney general and agriculture commissioner, oversees oil and gas regulation in the state.

A state-based program also eliminates overlapping or redundant state and federal regulations, said Kevin Connors, carbon capture and sequestration supervisor for the state Mineral Resources Department.

The University of North Dakota's Energy and Environmental Research Center has worked with the Industrial Commission on [carbon capture technology](#) since 2003, according to John Harju, the center's vice president for strategic partnership.

"The (commission's) proven ability to concurrently consider the environmental and economic priorities of North Dakota make them the appropriate first state for such primacy," he said.

Sierra Club spokesman Wayde Schafer questioned whether the money-strapped state would have enough funds to effectively manage the regulatory program. As for the technology itself, "not enough is known to see if this is a long-term solution to reducing CO₂ in the atmosphere," he said.

Hoeven, Democratic U.S. Sen. Heidi Heitkamp of North Dakota and Republican U.S. Rep. Kevin Cramer of North Dakota pushed the EPA to take action on the state's proposal after President Donald Trump took

office earlier this year and appointed Pruitt to lead the EPA.

Trump has pledged to reverse decades of decline in a U.S. coal industry under threat from such cleaner sources of energy as natural gas, wind turbines and solar farms.

North Dakota Mineral Resources Director Lynn Helms said [carbon capture](#) has potential for many types of energy, and Red Trail Energy LLC said it will integrate the technology at an ethanol plant it operates in southwestern North Dakota.

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Citation: EPA signs off on North Dakota regulation of CO2 wells (2017, May 9) retrieved 4 June 2024 from <https://phys.org/news/2017-05-epa-north-dakota-co2-wells.html>

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