

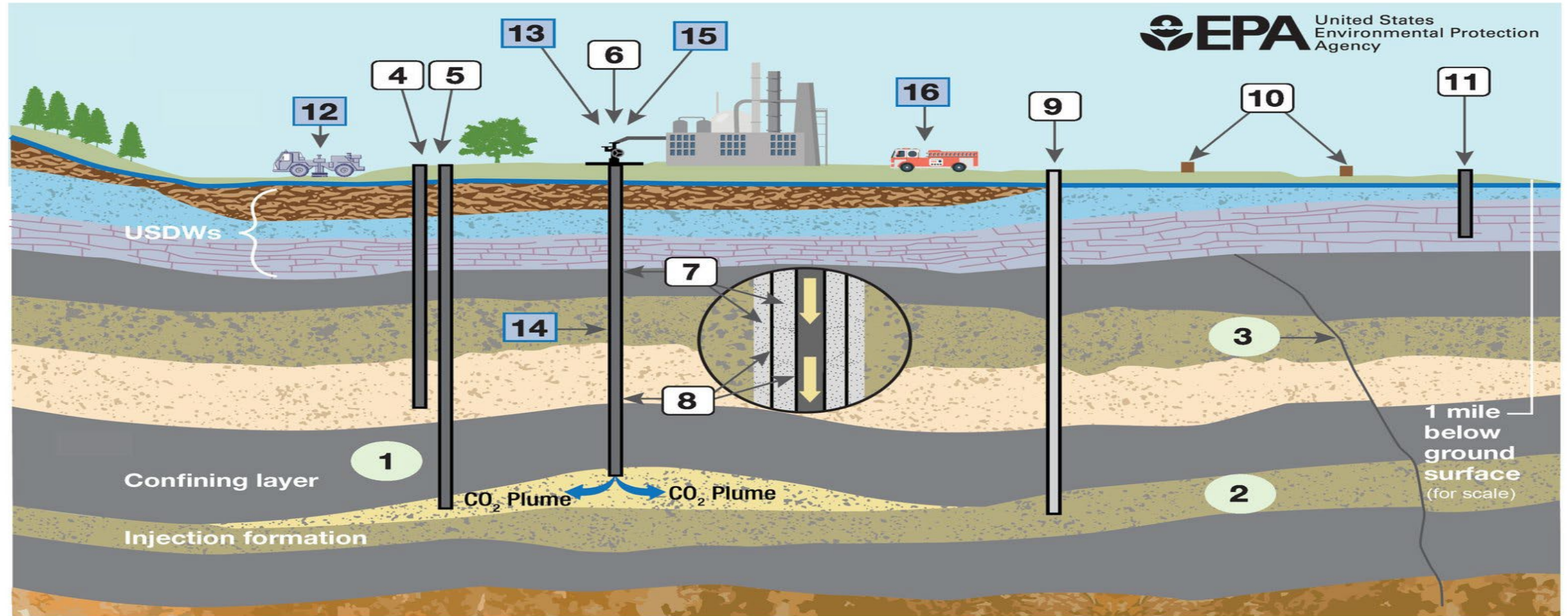


Texas Railroad Commission's Class VI Permitting Program



David A. Terry, Counsel
August 6, 2026

What are Class VI UIC Wells?



Through the Underground Injection Control (UIC) program, EPA protects underground sources of drinking water (USDWs) by regulating the construction, operation, permitting, and closure of injection wells that are used for the underground storage or disposal of fluids. Class VI wells are specifically used to inject carbon dioxide (CO₂) into deep rock formations. The UIC permitting authority reviews Class VI permit applications to ensure that injected CO₂ will remain within deep, isolated formations, protecting human health and the environment.

KEY			
	Site geology		Injection, monitoring, and other wells
	Drinking water resource protection practices		Water table
1	Thick, impermeable confining layer prevents CO ₂ from leaking upward	5	Pressure and CO ₂ in the injection formation are tracked using a monitoring well
2	Permeable injection formation will hold injected CO ₂	6	CO ₂ injection well is permitted for safe operation with many safeguards
3	Testing shows that the fault is inactive and sealed against movement of CO ₂	7	Cementing prevents CO ₂ from moving outside of the well
4	Water quality is tracked in the permeable formation above the confining layer using a monitoring well	8	Well materials are corrosion-resistant
		9	Properly plugged and abandoned well prevents CO ₂ movement between formations
		10	Seismic activity is monitored using surface equipment as needed
		11	Shallow groundwater well is isolated from the injection formation by multiple impermeable layers
		12	Seismic surveys are used to study the geology and track the location of CO ₂ through images of the subsurface
		13	Safe CO ₂ injection pressure avoids damaging the injection formation
		14	Regular testing confirms the physical integrity of the well
		15	Injection pressure and flow are continually monitored
		16	Emergency response plan is in place and ready to be implemented

Why Class VI Wells?

Benefits

- Sequester carbon to address climate change.
- Potential beneficial reuse.
- Landowner leases provide economic benefits.
- Companies seeking to improve reporting metrics can contract to send CO₂ to wells.
- Companies maintaining Class VI wells may be paid for accepting CO₂ from generators.

Risks to be Managed

- Standard commercial risks.
- Complex regulatory structure.
- State and federal agency involvement.
- Expectations and concerns of landowners.
- Ensuring that the CO₂ stays within the stored facility.
- Maintenance costs and environmental risks.
- Closure and termination.

Federal Program to State Control

Permit required to **construct and operate** injection well for the purpose of injecting anthropogenic CO₂ in underground storage reservoirs

EPA established its Class VI regulatory program in **2010**

Has issued

14 final permits

since then;

Currently has

45 projects

under review

EPA's Class VI Program allows states to seek primacy over Class VI UIC wells



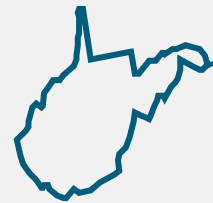
North Dakota
2018



Wyoming
2020



Louisiana
2023



West Virginia
2025



Arizona
2025



Texas
2025

Showings to Get a Class VI Permit?

- Protect USDWs and surface water
 - What is a USDW?



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- Don't endanger oil, gas, producible minerals
- Protect health & safety by protecting against CO₂ escape/migration.

Components of a RRC Class VI Application



Site Characterization



Area of Review
(AOR) and Corrective
Action Plan



Testing and
Monitoring Plan



Well Construction
and Mechanical
Integrity Testing Plan



Well Plugging Plan
• Legacy Well ID and
Corrective Action



Emergency
and Remedial
Response Plan



RRC GAU
Letter and TCEQ
"No Harm Letter"



Financial Assurance

Public Notice and Hearing

- Draft permit preparation.
- Notice by publication and individual notice to list of people
- Opportunity for hearing?

Contested Case Hearing



RRC v. TCEQ – What's the difference?

TCEQ Contested Case	RRC Class VI Contested Case
Heard by ALJs at SOAH	Heard by ALJ and a Hearing Examiner (geologist) at RRC.
Pre-filed testimony is the norm.	Norm is live testimony .
Draft permit prima facie evidence that application meets requirements.	Application considered de novo .
Protestant has burden to show draft permit is not in compliance with regulations.	Applicant has burden to show regulatory requirements are met. Applicant may put on a rebuttal case .
TCEQ a party to proceeding.	RRC not a party to proceeding.

Case Study

- Application filed **February 2025**
- Public comment period began on **July 24, 2025**
- Public meetings held **August 26 & 27, 2025**
- CTCA filed request for hearing on **August 27, 2025**
- Prehearing conference held on **January 28, 2026**
- Four day contested case proceeding beginning on **March 16, 2026**
- Closing brief due on **April 2, 2026**
- CTCA response brief due **April 14, 2026**
- Closing reply brief due **April 21, 2026**
- Favorable PFD issued on **July 16, 2026**



Parting Thoughts

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