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To: Environmental Protection Agency, Region 6

From: Cassidy Levin, Texas Environmental Policy and Advocacy Intern, Public Citizen, clevin@citizen.org

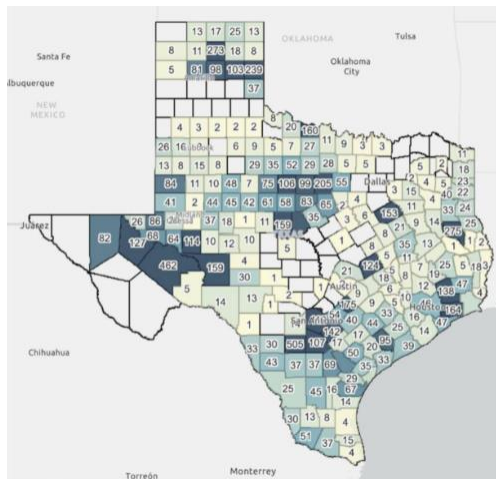
Date: July 24, 2025

Re: Public Citizen Opposes Texas Primacy Over Class VI Injection Wells, EPA-HQ-OW-2025-0157-0001

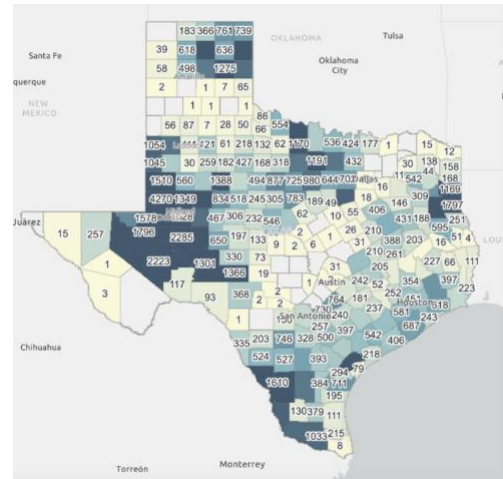
Thank you for the opportunity to comment on the EPA's proposal to approve Texas's request for primacy over Class VI underground injection wells. Public Citizen, on behalf of our 30,000 members and supporters in Texas, respectfully opposes this proposal. We believe granting Texas primacy over Class VI wells will lead to a decrease in permit enforcement and, ultimately, an increase in CO² leaks from these wells.

Under this proposal, the Railroad Commission would be responsible for issuing and enforcing permits for Class VI wells. The Railroad Commission has a poor track record when it comes to managing permits. As of May, there were nearly 9,000 orphan wells in Texas.¹ This number does not include inactive wells, which are not legally classified as orphaned, but have the potential to become orphaned. There are another 118,000 inactive wells in Texas.² The maps below show the density of orphaned and inactive wells in Texas.

Orphaned Wells:³



Inactive Wells:⁴



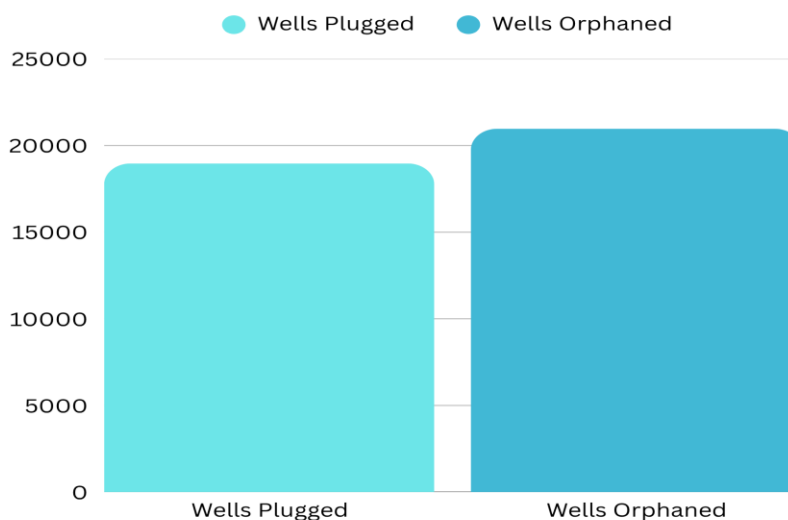
The Railroad Commission simply does not have the ability to plug wells at the rate that companies orphan them. A January 2022 report by Commission Shift identified that the Railroad



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Commission plugged 18,960 orphaned wells since 2005. However, during the same period, an additional 21,000 wells were orphaned by companies.⁵

Wells Plugged by the Railroad Commission vs. Wells Orphaned by Companies:



The Railroad Commission's failure to plug orphaned wells has had real consequences for the communities near these wells. Boehmer Lake, a 60-acre saltwater lake in Pecos County, is just one example of this failure. An attempt to plug an oil and gas well resulted in a 200-gallon-per-minute leak into the lake. This leak has been occurring for decades, and yet the Railroad Commission has been unable to stop it.⁶ Furthermore, they have continued to permit wells in the area.

Leaks from Class VI wells can pose a serious threat to public health. CO² leaks can contaminate groundwater, causing it to become permanently highly acidic and corrosive. Heavy metals like arsenic, manganese, cobalt, nickel, and iron can also leach into drinking water sources.⁷ The EPA must protect Texans' access to clean and safe drinking water.

There is no evidence that the Railroad Commission can successfully manage the injection wells already under its jurisdiction. Why should we assume they'll do better with Class VI wells? If the EPA grants Texas primacy over Class VI wells, it will set Texas up for a future of unplugged wells and decade-long leaks. The EPA should maintain primacy over Class VI injection wells



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and protect Texans' access to clean drinking water. We urge the EPA to deny Texas's application for primacy because, simply put, Texans deserve better.

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1. *see* <https://www.rrc.texas.gov/oil-and-gas/research-and-statistics/well-information/orphan-wells-12-months/>
 2. *see* <https://www.rrc.texas.gov/oil-and-gas/compliance-enforcement/hb-2259-hb-3134-inactive-well-requirements/inactive-well-aging-report-iwar/>
 3. *see* https://www.arcgis.com/apps/Embed/index.html?webmap=bc1f0f30265f4944bc4112e7eca43bdf&extent=-114.9687,23.1001,-82.5151,38.617&home=true&zoom=true&scale=true&details=true&legendlayers=true&active_panel=legend&disable_scroll=true&theme=light
 4. *see* https://www.arcgis.com/apps/Embed/index.html?webmap=86cb5a788e454e46b04a0a6480a471a4&extent=-111.3172,23.2791,-78.8636,38.769&zoom=true&scale=true&details=true&legendlayers=true&active_panel=legend&disable_scroll=true&theme=light
 5. *see* https://commissionshift.org/wp-content/uploads/2023/02/Eliminating-Orphan-Wells-and-Sites-in-Texas_CommissionShift.pdf, page 2
 6. Raymond L. Straub Jr., P.G. Straub Corporation, Groundwater and Air Sampling of the Sloan Blair No. 1 Flowing Well in Lake Boehmer Pecos County, Texas (2022). Cited in Formal Complaint of Middle Pecos Groundwater Conservation District and Motion for a Hearing Pursuant to Texas Natural Resources Code § 89.041 to Determine Proper Plugging of 12 Abandoned Wells in Pecos County. Railroad Commission Docket No. OG-23-00013093.
 7. *see* <https://nicholas.duke.edu/news/leaks-co2-stored-deep-underground-could-contaminate-drinking-water>