



Rules Coordinator
Railroad Commission of Texas
Office of General Counsel
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July 31, 2023

EDF comments on the Texas Railroad Commission's (RRC) proposed amendments to the state's program for geologic storage of CO₂

The Environmental Defense Fund appreciates this opportunity to provide comments on Texas' proposed changes to the state program for geologic storage of CO₂ in 16 TAC 5 that were published in the Texas Register on June 30, 2023. These amendments are intended to make Texas' UIC Class VI program consistent with and as stringent as the federal program. EDF is generally supportive of this rulemaking and offers the following recommendation.

Proposed §5.201(i) states that, "If a provision of this subchapter conflicts with any provision or term of a Commission order or permit, the provision of such order or permit controls." This language raises a question of whether the Commission orders and permits in conflict with the rules satisfy minimum federal requirements. EDF recommends adding additional language to this subsection in order to clarify that Commission orders and permits in conflict with the subchapter will control "*provided that* the provision satisfies EPA's minimum requirements for Class VI programs."

This change is necessary in order for Texas to meet EPA requirements and is consistent with the intent of the rulemaking.

Respectfully,

A handwritten signature in black ink, appearing to read "AS", followed by a long, sweeping horizontal line that extends to the right.

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