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Groups Call on EPA to Halt Expedited Approval of West Virginia CO2 Well Program

West Virginia residents given significantly shorter review period than other states; approval exacerbates risks inherent to CO2 storage

CHARLESTON, W. Va. – Despite West Virginia's troubling regulatory history and limited expertise and capacity, the Environmental Protection Agency (EPA) has moved with unprecedented speed to advance the state's request to oversee Class VI carbon injection wells – critical infrastructure for carbon capture and storage (CCS) and hydrogen development. Groups have called for EPA to grant an extension of the comment period, set to close on December 30, and delay a scheduled hearing to expand opportunities for public input.

“The EPA’s accelerated proposal is all the more concerning considering that residents in other states received significantly more time,” said Tom Torres, Hydrogen Program Director at the Ohio River Valley Institute. “If EPA wants West Virginians to believe that it has their interests at heart, it should start by giving them more time to understand the implications of this momentous decision.” A copy of ORVI’s letter can be found [here](#).

Louisiana and North Dakota were each granted two separate comment periods totaling 90 days. Wyoming residents were given 45 days to comment. Meanwhile, EPA has given West Virginia residents only 34 days to review and respond to 800 pages of documents and scheduled the sole public hearing for this decision for December 30th, a decision that is likely to reduce participation.

“EPA’s move to expedite this decision runs counter to the agency’s own guidance,” said Morgan King, Climate and Energy Program Manager for West Virginia Citizen Action. “This decision is only the latest example of public officials discounting our concerns in order to accelerate the development of more pollution infrastructure in our communities.”

The EPA’s review of the application materials was also significantly shorter than in other states. Federal officials completed the technical review of West Virginia’s request in less than seven months but it took agency staff nearly three times as long to review Louisiana’s application and almost seven times as long to review North Dakota’s submission.

“Fast-tracking West Virginia’s primacy application is a recipe for disaster. Delegating oversight means rushed permits, weakened reviews, and cutting communities out of the decision-making process. Expediency should never come at the expense of safety and public trust. The people of West Virginia deserve better,” said Eric Engle, President of Mid-Ohio Valley Climate Action.

In August 2023, 17 West Virginia-based community and environmental groups called on EPA to reject West Virginia’s primacy application on grounds that it would fast-track permitting, dilute environmental justice protections, and exacerbate the risk of public health harms and water

contamination given state regulators' lack of capacity, lack of experience with these wells, and their prior track record with environmental protection.

“West Virginia regulators have failed to demonstrate they can safely manage this experimental technology. Class VI wells, still largely untested in the US, involve complex geological processes and high risks, including groundwater contamination and seismic activity. These are precisely the types of operations that warrant stringent federal oversight,” said Autumn Crowe, Deputy Director of WV Rivers Coalition. “The EPA’s decision to expedite this process during the holidays is a grievous error and one that fails West Virginia communities“

A [2019 NRDC analysis](#) of Class II wells in West Virginia – another class of EPA-regulated injection wells – demonstrated that regulators allowed operators to inject waste without a permit, failed to conduct requisite tests, and allowed wells to inject at dangerous pressures in violation of their permits. Class VI wells are much more complex given the unique properties of CO₂ – including corrosivity in presence of water – the potential for CO₂ to migrate, and the large injection volumes.

“The Intergovernmental Panel on Climate Change refers to CCS as the most expensive and least effective approach to mitigating greenhouse gas emissions from fossil fuels,” said Jim Kotcon, Chair of the West Virginia Chapter of Sierra Club. “Local communities will bear the brunt of the risks from the proposed injection wells, therefore, the people of West Virginia deserve a say in decisions that affect their health, safety, and future. We are calling on the EPA to honor its commitment to environmental justice by ensuring a transparent, thorough review of West Virginia’s application.”

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