



INDUSTRIAL COMMISSION OF NORTH DAKOTA

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Governor

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For Immediate Release

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North Dakota Class VI Primacy Application for Carbon Capture Storage Approved

BISMARCK- North Dakota is the first state in the nation to apply for and receive approval for primary regulatory authority (primacy) over geologic storage of carbon dioxide, also known as carbon capture and storage (CCS), paving the way for exciting pilot projects that could have major impacts on the state's energy industry.

The North Dakota Industrial Commission was notified today that the Oil and Gas Division's Class VI geologic storage of carbon dioxide primacy application was approved by U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt. This approval comes nearly four years after the primacy application was submitted to the EPA.

"Receiving approval from the EPA to regulate CCS will benefit all North Dakotans. This approval provides regulatory certainty to the lignite coal and energy generation industries in North Dakota, and CCS offers a long-term solution for the continued advancement of clean coal technologies. It has been a long process, but we are grateful to Senators John Hoeven and Heidi Heitkamp and Congressman Kevin Cramer, who continually pushed the EPA to approve our primacy application," said Gov. Doug Burgum, who chairs the three-member commission.

Geologic storage of carbon dioxide is regulated under the Safe Drinking Water Act's Underground Injection Control Program and is classified as Class VI injection of carbon dioxide. CCS refers to the capture and deep underground injection of man-made carbon dioxide into a geologic formation that is confined and can safely store the CO₂. CCS will benefit North Dakota's environment by reducing greenhouse gas emissions.

"CCS helps ensure the viability of the state's coal and power industries, enhances the economics of our renewable energy resources, and allows for future utilization of the stored carbon dioxide in enhanced recovery of oil and gas resources," Attorney General Wayne Stenehjem said.

Agriculture Commissioner Doug Goehring adds, "CCS provides more certainty for our state and lowers the carbon footprint of our energy-related industries."

"North Dakota recognized the importance of carbon storage nearly eight years ago when the legislature passed laws that gave regulatory authority to the Oil and Gas Division," Director Lynn Helms said. "We are also thankful for the Interstate Oil and Gas Compact Commission for pushing for approval from EPA through a resolution and the [State's First Initiatives](#)."

Kevin Connors, the division's CCS Supervisor of North Dakota's primacy application process, stated that the Plains CO₂ Reduction (PCOR) partnership through the Energy and Environmental Resource Center in Grand Forks has done extensive work toward identifying practical and environmentally sound CCS projects. "The approval of this application paves the way for some of PCOR's research to become a reality in North Dakota."

The state, the Department of Energy, the Lignite Research Council and the Renewable Energy Council are actively engaged in research to develop economic capture technologies.

The rules will be published in the federal register and open to a 60 day public comment period before being finalized later this year. The last time North Dakota received primacy approval for Underground Injection Control programs was in 1984.

A timeline of the North Dakota road to CCS primacy approval is below.

- **Aug. 1, 2009** – (SB 2095) – The Oil and Gas Division given the authority by law to regulate geologic storage of carbon dioxide.
- **April 1, 2010** – North Dakota promulgates the first-ever regulations for geologic storage of carbon dioxide; North Dakota becomes the first state in the nation with a complete and comprehensive regulatory framework in place for CCS.
- **Dec. 10, 2010** – The EPA finalizes federal requirements for geologic sequestration of carbon dioxide under the authority of the federal Safe Drinking Water Act's Underground Injection Control (UIC) Program, creating a new class of injection well, Class VI. These requirements, also known as the Class VI Rule, are designed to protect underground sources of drinking water based on the UIC program regulatory framework with modifications to address the unique nature of carbon dioxide injection for the primary purpose of long-term storage.
- **May 9, 2011** – The 2011 Legislature appropriated funds (HB 1014) for one full-time position to apply for and obtain Class VI primacy from the EPA.
- **Sept. 7, 2011** – The EPA becomes the acting regulatory authority in all states, including North Dakota. Under the federal UIC program, each state must apply for primary regulatory authority (primacy) by demonstrating to the EPA, through a primacy application, that its Class VI UIC program is at least as stringent as the federal standards.
- **June 21, 2013** – Class VI primacy application submitted to the EPA
 - EPA Region 8 published notice for comment on the North Dakota's Class VI primacy application – 30day comment period (Aug. 9 – Sept. 9)
 - No comments received in opposition
- **Oct. 29, 2013** – Finalized Memorandum of Agreement (MOA) with EPA Region 8
- **Jan. 8, 2014** – Federal Register approval to amend 40 CFR Subpart JJ 147.1751 to add Class VI program

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