

EPA Grants Texas Primacy Over Class VI Injection Wells

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PRACTICES Environmental

The U.S. Environmental Protection Agency (EPA) issued a [final rule](#) approving the Texas Railroad Commission's (RRC) application for primacy over Class VI injection wells. Class VI is a category of Underground Injection Control (UIC) wells used to inject carbon dioxide (CO₂) into deep underground formations for long term storage. Texas is the sixth state to receive Class VI primacy, joining Arizona, Louisiana, North Dakota, West Virginia and Wyoming.

EPA's grant of primacy gives the RRC authority over permitting, implementation and enforcement of the Class VI injection well program. In practice – starting with the rule's effective date on Dec. 15, 2025 – this decision shifts the day-to-day regulatory control of the program in Texas to the RRC, while EPA maintains an oversight and review role.

Previously, Texas projects required permits from both EPA and the RRC. With the grant of primacy, the RRC becomes the primary point of contact for permit applications, technical review, monitoring and testing requirements, corrective-action plans, financial responsibility demonstrations and post-injection care. New applicants may submit directly to the RRC.

Carbon capture and storage (CCS) projects and Class VI well developments are expected to expand rapidly in Texas. The RRC announced that it has received [18 applications](#)¹ and is aware of additional projects that are planned by the industry. Additionally, applications for Texas projects that are currently being processed by EPA will be transferred to the RRC, in line with agreements between EPA and RRC regarding transition of the program.

Attorneys at Haynes Boone are experienced in Class VI well permitting. For assistance with permitting or Class VI development questions, please contact a member of our [Environmental Practice Group](#) or one of the attorneys listed at the bottom of this page.

¹ <https://www.rrc.texas.gov/news/texas-granted-primacy-over-class-vi-wells/>