

EPA Proposes to Allow Texas to Administer Class VI Injection Well Program

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PRACTICES Environmental, Energy Regulatory

The U.S. Environmental Protection Agency (EPA) has announced its proposed approval of Texas' application to administer the Class VI injection well permitting program under the Safe Drinking Water Act (SDWA). When approved, the program will be administered by the Texas Railroad Commission (RRC).

Class VI wells are used to inject carbon dioxide deep underground to be stored in formations that contain open pore space. Entities are using Class VI wells to reduce their carbon footprint by capturing and storing carbon dioxide. Currently, entities wishing to build and operate Class VI wells in Texas must obtain permits from both the EPA and RRC. Once EPA's approval is final, the Class VI permitting process will become streamlined; Texas operators will only need to obtain a permit from the RRC.

If its application is approved, Texas would be the fifth state approved to administer the Class VI well program, joining Louisiana, North Dakota, West Virginia and Wyoming, and would then have the responsibility to administer permitting for all six injection well programs under the SDWA.

The EPA has invited the public to provide comments on the approval. Comments must be filed within 45 days of the date when the EPA publishes Texas' approval in the Federal Register. EPA will hold a public hearing about the approval on July 24, 2025.

Attorneys at Haynes Boone will continue to track this approval process and stand ready to assist clients with Class VI permitting, drafting public comments and navigating the evolving permitting landscape. For assistance or more information, please contact one of the attorneys listed below or a member of the [Environmental Practice Group](#).