

## 40 CFR 145.22(a)(6) – Public Participation Activities

The AOGCC conducted the following public participation activities associated with its UIC Class VI Primacy Program Submission:

1. November 7, 2024: Public Scoping Hearing announcing future intent for the AOGCC to apply for Class VI primacy and soliciting public comment and input for future AOGCC Class VI regulations.
2. November 2024 – March 2025: Carbon Storage Community Townhalls. AOGCC collaborated with UAF's Alaska Center for Energy and Power to put on CCUS-focused community townhalls across Alaska.
3. January 13, 2026: Public Hearing on AOGCC's proposed Class VI regulations.
4. May 14, 2026: Public Hearing on AOGCC's proposed UIC Class VI Program Submission.

1. November 7, 2024 Class VI Scoping Hearing

**Notice of Public Scoping  
Notice of Public Hearing  
STATE OF ALASKA  
ALASKA OIL AND GAS CONSERVATION COMMISSION**

RE: Docket Number: R-24-002  
Carbon Storage Facility Regulations  
Class VI Primacy Application

The Alaska Oil and Gas Conservation Commission (AOGCC) is intending to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program. Section 1422 of the Safe Drinking Water Act (SDWA) requires Primacy applicants to implement a program that is as stringent as EPA's requirements for UIC programs and to enforce UIC program requirements that protects underground sources of drinking water from endangerment. A state with UIC Primacy oversees (implements, regulates, and enforces) the UIC program for the authorized Class(s) of well(s) in that state.

Programs authorized under this section, referred to as 1422 programs, may have Primacy for Class I, II, III, IV, V, and VI wells. Class VI wells are used for injection of carbon dioxide for long term underground storage. Since 1986, the AOGCC has had Primacy for Class II Oil and Gas related injection wells under Section 1425 of the SDWA.

AOGCC is considering revising its regulations as a result of House Bill 50 (signed by the Governor on July 31, 2024). This legislation directs the AOGCC to regulate carbon storage facilities (including associated wells) within the state.

Copies of House Bill 50 and related legislative materials are available for review on the Alaska State Legislature's website: <https://www.akleg.gov/basis/Bill/Detail/33?Root=HB%20%2050>. To learn more about Primacy or Class VI wells, information is available on the EPA's website: <https://www.epa.gov/uic/class-vi-wells-used-geologic-sequestration-carbon-dioxide> and on AOGCC's website at <https://www.commerce.alaska.gov/web/aogcc/ccus.aspx>.

The purpose of this notice is to announce the AOGCC's intention to pursue Class VI Primacy, and to engage with surface and subsurface landowners, industry, and other interested or affected stakeholders for their ideas and suggestions before the AOGCC undertakes the task of drafting any specific proposed regulations for public review. Specifically, the AOGCC is interested in ideas that will provide an efficient, consistent, cost-effective, and reasonable regulatory framework that incorporates both House Bill 50 and EPA Class VI requirements.

The AOGCC is not currently proposing any specific regulations, and there are no draft regulations to review at this time. The AOGCC is soliciting feedback and comments on Class VI Primacy in general, and how the AOGCC should implement new authorizations under HB 50 before the formal process of drafting proposed regulations begins. Any future proposed regulation changes will be released for public review and comment. Please do not include any confidential information in the comments.

A public hearing on the matter has been scheduled for November 7, 2024, at 10:00 a.m. The hearing will be held in the AOGCC hearing room located at 333 West 7<sup>th</sup> Avenue, Anchorage, AK 99501. The audio call-in information is (907) 202-7104 Conference ID: 448 900 9#. Anyone who wishes to participate remotely using MS Teams video conference should contact Ms. Junke at least two business days before the scheduled public hearing to request an invitation for the MS Teams.

Written comments regarding this matter may be submitted to the AOGCC, at 333 west 7th Avenue, Anchorage, AK 99501 or [aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov). Comments must be received no later than the conclusion of the November 7, 2024, hearing.

If, because of a disability, special accommodations may be needed to comment or attend the hearing, contact Kayla Junke, at [aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov) or (907) 793-1225, no later than October 30, 2024.

Jessie L.  
Chmielowski

Digitally signed by  
Jessie L. Chmielowski  
Date: 2024.08.20  
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Jessie L. Chmielowski  
Commissioner

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

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STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

08/25/2024

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed Lisi Misa

Subscribed and sworn to before me

2024-08-26

*Jada L. Nowling*

Notary Public in and for  
The State of Alaska.

Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

2028-07-14

Jada Nowling  
ELECTRONIC NOTARY PUBLIC  
STATE OF ALASKA  
MY COMMISSION EXPIRES 07/14/2028

**Notice of Public Scoping  
Notice of Public Hearing  
STATE OF ALASKA  
ALASKA OIL AND GAS CONSERVATION COMMISSION**

RE: Docket Number: R-24-002  
Carbon Storage Facility Regulations  
Class VI Primacy Application

The Alaska Oil and Gas Conservation Commission (AOGCC) is intending to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program. Section 1422 of the Safe Drinking Water Act (SDWA) requires Primacy applicants to implement a program that is as stringent as EPA's requirements for UIC programs and to enforce UIC program requirements that protects underground sources of drinking water from endangerment. A state with UIC Primacy oversees (implements, regulates, and enforces) the UIC program for the authorized Class(s) of well(s) in that state.

Programs authorized under this section, referred to as 1422 programs, may have Primacy for Class I, II, III, IV, V, and VI wells. Class VI wells are used for injection of carbon dioxide for long term underground storage. Since 1986, the AOGCC has had Primacy for Class II Oil and Gas related injection wells under Section 1425 of the SDWA.

AOGCC is considering revising its regulations as a result of House Bill 50 (signed by the Governor on July 31, 2024). This legislation directs the AOGCC to regulate carbon storage facilities (including associated wells) within the state.

Copies of House Bill 50 and related legislative materials are available for review on the Alaska State Legislature's website: <https://www.akleg.gov/basis/Bill/Detail/33?Root=HB%20%2050>. To learn more about Primacy or Class VI wells, information is available on the EPA's website: <https://www.epa.gov/uic/class-vi-wells-used-geologic-sequestration-carbon-dioxide> and on AOGCC's website at <https://www.commerce.alaska.gov/web/aogcc/ccus.aspx>.

The purpose of this notice is to announce the AOGCC's intention to pursue Class VI Primacy, and to engage with surface and subsurface landowners, industry, and other interested or affected stakeholders for their ideas and suggestions before the AOGCC undertakes the task of drafting any specific proposed regulations for public review. Specifically, the AOGCC is interested in ideas that will provide an efficient, consistent, cost-effective, and reasonable regulatory framework that incorporates both House Bill 50 and EPA Class VI requirements.

The AOGCC is not currently proposing any specific regulations, and there are no draft regulations to review at this time. The AOGCC is soliciting feedback and comments on Class VI Primacy in general, and how the AOGCC should implement new authorizations under HB 50 before the formal process of drafting proposed regulations begins. Any future proposed regulation changes will be released for public review and comment. Please do not include any confidential information in the comments.

A public hearing on the matter has been scheduled for November 7, 2024, at 10:00 a.m. The hearing will be held in the AOGCC hearing room located at 333 West 7th Avenue, Anchorage, AK 99501. The audio call-in information is (907) 202-7104 Conference ID: 448 900 9#. Anyone who wishes to participate remotely using MS Teams video conference should contact Ms. Junke at least two business days before the scheduled public hearing to request an invitation for the MS Teams.

Written comments regarding this matter may be submitted to the AOGCC, at 333 west 7th Avenue, Anchorage, AK 99501 or [aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov). Comments must be received no later than the conclusion of the November 7, 2024, hearing.

If, because of a disability, special accommodations may be needed to comment or attend the hearing, contact Kayla Junke, at [aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov) or (907) 793-1225, no later than October 30, 2024.

Jessie L. Chmielowski  
Commissioner

Pub: Aug. 25, 2024



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Providing coverage of Alaska and northern Canada's oil and gas industry  
September 2024

Vol. 29, No.35

Week of September 01, 2024

## AOGCC asks input on Class VI regulations

**Kristen Nelson**

*Petroleum News*

The Alaska Oil and Gas Conservation Commission said in an Aug. 20 public notice that it intends to seek Class VI primary enforcement authority from the U.S. Environmental Protection Agency and is asking for ideas from surface and subsurface landowners, industry and other interested or affected stakeholders before drafting regulations for public review.

This is a result of House Bill 50, an administration bill introduced in 2023, passed by the Alaska Legislature this May and signed into law by Gov. Mike Dunleavy on Aug. 1.

HB 50 expanded AOGCC's authority and responsibilities, adding CCUS, carbon capture, utilization and storage, and granting the agency authority to pursue primacy over Class VI wells needed for CCUS from the EPA.

In a May 12 fiscal note accompanying HB 50, AOGCC said fiscal year 2025 activity would be focused mainly on obtaining primacy, with some expenditures possibly offset by potential grant receipts through the EPA Class VI Grant Program, included in the FY 2025 capital budget.

In its public notice, the agency noted it already has primacy over Class II oil and gas related injection wells.

In asking for input, AOGCC said it "is interested in ideas that will provide an efficient, consistent, cost-effective, and reasonable regulatory framework that incorporates both House Bill 50 and EPA Class VI requirements."

The agency has scheduled a public hearing for Nov. 7 at 10 a.m. in its Anchorage offices, and said written comments may be submitted through the conclusion of the hearing. Audio access to the hearing will be by calling 907-202-7104 conference ID 448 099 9#.

--KRISTEN NELSON

ALASKA OIL AND GAS CONSERVATION COMMISSION

In the Matter of the Commission's )  
Intention to Pursue Class VI Primacy. )  
\_\_\_\_\_)  
Docket No.: R-24-002

PUBLIC HEARING

Anchorage, Alaska  
November 7, 2024  
10:00 o'clock a.m.

BEFORE: Gregory Wilson, Commissioner  
          Jessie Chmielowski, Commissioner

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## 1 P R O C E E D I N G S

2 (On record - 10:00 a.m.)

3 COMMISSIONER WILSON: Good morning. I will  
4 call this hearing to order. It is approximately 10:00  
5 a.m. on Thursday, November 7th, 2024. I am  
6 Commissioner Gregory Wilson and with me is Commissioner  
7 Jessie Chmielowski. This is a public hearing on docket  
8 number R-24-002 to announce the AOGCC's intention to  
9 pursue classic primacy and to engage with surface and  
10 subsurface landowners, industry and other interested or  
11 affected stakeholders for their ideas and suggestions  
12 before the AOGCC undertakes the task of drafting any  
13 specific proposed regulations for public review.

14 Today's hearing is being held in person and via  
15 Microsoft Teams. The in-person location is the Alaska  
16 Oil and Gas Conservation Commission office at 333 West  
17 7th Avenue, Anchorage, Alaska. For those on Teams  
18 please be mindful of any background noise and make sure  
19 you are muted when you're not testifying or addressing  
20 the Commission.

21 If you require any special accommodation please  
22 contact Kayla Junke. She can be reached at 907-793-  
23 1225 or send her a message through the Microsoft Teams  
24 chat icon and she will do her best to accommodate you.

25 If you wish to provide public comment today and

1 if you haven't already done so please make sure to sign  
2 in on the sign in sheet.

3 Kayla June will be recording the hearing,  
4 Computer Matrix will be preparing the transcript. On  
5 completion and preparation of the transcript anyone  
6 desiring a copy will be able to obtain it by contacting  
7 Computer Matrix.

8 The notice of hearing was published on the  
9 state of Alaska's online notices website as well as the  
10 AOGCC's website and was sent through the AOGCC email  
11 listserv on August 20th, 2024. The AOGCC also  
12 published the notice in the Anchorage Daily News on  
13 August 25th, 2024.

14 By way of background, the AOGCC is intending to  
15 apply for class VI primacy enforcement authority or  
16 primacy from the United States Environmental Protection  
17 Agency or EPA as a new well class within the  
18 Underground Injection Control or UIC program. Section  
19 14.22 of the Safe Drinking Water Act, SDWA, requires  
20 primacy applicants to implement a program that is as  
21 stringent as EPA's requirement for UIC programs and to  
22 enforce UIC program requirements that protect  
23 underground sources of drinking water from  
24 endangerment.

25 A state with UIC primacy oversees, implements,

1 regulates and enforces the UIC program for the  
2 authorized classes of wells in that state. Programs  
3 authorized under this section, referred to as 14.22  
4 program, have the primacy for class I, II, III, IV, V  
5 and VI wells. Class VI wells are used for injection  
6 of carbon dioxide for long term underground storage.  
7 Since 1986 the AOGCC has had primacy for class II, oil  
8 and gas related injection wells under section 14.25 of  
9 the SDWA.

10 AOGCC is considering revising its regulations  
11 as a result of House Bill 50 signed by the Governor on  
12 July 31st, 2024. This legislation directs AOGCC to  
13 regulate carbon storage facilities including associated  
14 wells within the state.

15 The purpose of this notice was to announce the  
16 AOGCC's intention to pursue class VI primacy and to  
17 engage with surface and subsurface landowners, industry  
18 and other interested or affected stakeholders for their  
19 ideas and suggestions before the AOGCC undertakes the  
20 task of drafting any specific regulations for public  
21 review. Specifically AOGCC is interested in ideas that  
22 will provide an efficient, consistent, cost effective  
23 and reasonable regulatory framework that incorporates  
24 both House Bill 50 and EPA class VI requirements. The  
25 AOGCC is not currently proposing any specific

1 regulations and there are no draft regulations to  
2 review at this time. The AOGCC is soliciting feedback  
3 and comments on class VI primacy in general and how the  
4 AOGCC should implement the new authorizations under HB  
5 50 before the formal process of drafting proposed  
6 regulations begins. Any future proposed regulation  
7 changes will be released for the public review and  
8 comment.

9           The purpose of this hearing is to take comments  
10 for future consideration by the AOGCC. While we cannot  
11 respond today to any questions that are raised, all  
12 public comments received will be reviewed and  
13 considered by the AOGCC and will be part of the public  
14 record and primacy application that the AOGCC will  
15 eventually be submitting to the EPA.

16           To date the AOGCC has received comments from  
17 the Susitna River Coalition, Steve Schmidt, joint  
18 comment from the Alaska Center, Alaska Community Action  
19 on Toxics, Center for Biological Diversity, Cook Inlet  
20 Keeper, Native Movement, Northern Alaska Center and  
21 Sovereign Inupiat for a Living Arctic. Also from  
22 Arctic Slope Regional Corporation, ASRC, Santos and  
23 Santa Claus of North Pole, Alaska. All comments will  
24 become part of the record for docket number R-24-002.  
25 If you have sent a comment via email and it was not

1 listed be assured it will still become part of the  
2 record.

3 Before taking public testimony, Commissioner  
4 Chmielowski, do you have any questions.

5 COMMISSIONER CHMIELOWSKI: None. Thank you.

6 COMMISSIONER WILSON: So now I'd like to offer  
7 to any member of the public the opportunity to provide  
8 comments. If you submitted a written comment already  
9 it is not necessary to read them for the record, but  
10 you are welcome to make testimony for the record. In  
11 order for the hearing to run smoothly and to afford an  
12 opportunity to anyone who may wish to provide comments  
13 all comments must remain on topic and be no longer than  
14 five minutes or the AOGCC requests that your comment be  
15 submitted in writing to AOGCC.CCUS@Alaska.gov.

16 So far in the room none of the attendees have  
17 indicated they wish to provide comments.

18 Is there anyone on the phone or on Teams who  
19 wishes to comment.

20 (No comments)

21 COMMISSIONER WILSON: Okay. So on Teams the  
22 code to unmute is star, six. If anyone has technical  
23 difficulties Kayla Junke can be reached at 907-793-1225  
24 or you can call the AOGCC main number at 907-279-1433.  
25 We will pause for 60 seconds to allow people time to

1 unmute.

2 (No comments)

3 COMMISSIONER WILSON: Well, that was 60  
4 seconds. Okay. Last chance for any attendees today  
5 for public comment.

6 (No comments)

7 COMMISSIONER WILSON: And with that I'd like to  
8 thank everyone who has participated and submitted  
9 comments.

10 Any additional comments from you, Commissioner  
11 Chmielowski.

12 COMMISSIONER CHMIELOWSKI: No. Thank you.

13 COMMISSIONER WILSON: Well, hearing no other  
14 business the time is 10:10 a.m. and the hearing is now  
15 adjourned.

16 (Hearing adjourned - 10:10 a.m.)

17 (END OF PROCEEDINGS)

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TRANSCRIBER'S CERTIFICATE

I, Salena A. Hile, hereby certify that the foregoing pages numbered 02 through 09 are a true, accurate, and complete transcript of proceedings in Docket No.: R-24-002, transcribed under my direction from a copy of an electronic sound recording to the best of our knowledge and ability.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SALENA A. HILE, (Transcriber)



November 7, 2024

Jessie L. Chmielowski  
Commissioner  
Alaska Oil and Gas Conservation Commission  
333 West 7<sup>th</sup> Avenue  
Anchorage, Alaska 99501

**RECEIVED**

By Samantha Coldiron at 10:46 am, Nov 07, 2024

SUBJECT: Docket Number: R-24-002  
Carbon Storage Facility Regulations  
Class VI Primacy Application

Thank you for the opportunity to comment on the Alaska Oil and Gas Conservation Commission (AOGCC) intention to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well class within the Underground Injection Control (UIC) program and revision of AOGCC regulations to implement House Bill 50 (HB50). As AOGCC considers revising its regulations as a result of the passage of House Bill 50 (Chapter 23 SLA 24), Arctic Slope Regional Corporation (ASRC) asks AOGCC to strictly limit the application of Section 41.06.140 *Amalgamating Property Interests*.

## **I. Background:**

### *A. General*

The North Slope Iñupiat have lived in the Arctic for over 10,000 years. We are proud of our self-determination efforts to ensure future generations of Iñupiat continue to reside in our communities and have access to essential services. Without a stable economy, our communities will suffer and so too will our ability to engage in our Iñupiaq cultural traditions, including a subsistence way of life.

The North Slope of Alaska spans an area nearly the size of the state of Minnesota and, within that expansive area, there are eight Iñupiaq communities—Anaktuvuk Pass, Atkasuk, Kaktovik, Nuiqsut, Point Hope, Point Lay, Utqiagvik, and Wainwright. None of our communities are connected by a permanent road system; all supplies must be flown or barged in, making the cost of living extremely high and economic opportunity generally low.

Fifty years ago, the Federal Government directed Alaska Native people to organize in a new structure of Indigenous representation. The Alaska Native Claims Settlement Act of 1971 (ANCSA) was a dramatically different approach by the Federal Government to federal Indian policy. The fact that our ancestral lands were claimed by the Federal Government before our people had a right to settle aboriginal land claims should inform every decision of the Federal and State Governments in managing those lands.

While our leaders over fifty years ago were initially wary of any development on our lands, our Iñupiaq leaders have spent decades focused on open communication and transparency in planning with industry. We have exercised true self-determination through a unique framework of Alaska Native governance—a framework that relies on our Tribal Governments, municipal governments, and Alaska Native corporations established by Congress to serve our Native constituents. Over a long period of time Iñupiaq ingenuity has transformed our relationship with industry into a partnership that has both protected our environment and our way of life and has brought significant economic benefits to the region that would have otherwise been absent. Our North Slope residents are keenly aware that advances in our communities—running water, local schools, health care, public safety, electricity, and more—have come because of the coordination and cooperation of Alaska Native leaders and entities across the region.

### *B. Arctic Slope Regional Corporation*

ASRC is a for profit, land-owning Alaska Native regional corporation formed pursuant to ANCSA. ASRC represents the North Slope region, eight villages whose residents are predominantly Iñupiat, and who comprise many of our approximately 14,000 Alaska Native shareholders. ASRC holds title to approximately five million acres of land on the North Slope, including both surface and subsurface lands. These lands—the ancestral lands of the North Slope Iñupiat—were conveyed to ASRC by the United States pursuant to ANCSA to provide for the economic and cultural wellbeing of our Iñupiat shareholders.

ASRC is committed both to providing sound financial returns to our shareholders, in the form of jobs and dividends, and to preserving our Iñupiaq way of life, culture, and traditions, including the ability to maintain a subsistence lifestyle to provide for our communities. In furtherance of this congressionally mandated mission to provide benefits to our shareholders, ASRC conducts and will continue to invest in a variety of activities related to infrastructure, development and other economic initiatives such as carbon storage. ASRC’s perspective is based on the dual realities that our Iñupiaq culture and communities depend on a healthy ecosystem and subsistence resources, as well as infrastructure and development as the foundation of sustainable North Slope communities.

## **II. Comments**

### *A. There are unknown liabilities for surface and subsurface landowners*

Unlike traditional resource extraction, which has well understood royalty and other revenue sharing systems through production, processes to plug and abandon and standards for remediation of sites, carbon storage presents new considerations for landowners like ASRC. For example, since the value of carbon storage derives from the permanent sequestration it can raise issues regarding long-term liability concerns for surface and subsurface landowners. Given the significance that ASRC’s land has to our shareholders and communities, any legislation and/or regulation that may impact ASRC’s lands must be thoroughly analyzed and vetted. For ASRC, our lands provide not just an economic opportunity, but form the cultural and social foundation for communities and our shareholders, requiring a long-term perspective and added diligence.



Until more is known about carbon storage and the liabilities that may follow surface and subsurface property owners, including non-consenting property owners, it would be inappropriate for AOGCC to exercise the authority to amalgamate interests.

*B. Delay implementation of Section 41.06.140*

As AOGCC devises regulations, we encourage you to take a cautious approach to implementing Section 41.06.140 and delay the implementation of the section. Any initial carbon storage reservoirs developed on the North Slope of Alaska will be in direct conflict with those nonconsenting property owners. By delaying the exercise of AOGCC's authority pursuant to this section until a carbon storage project has been successfully operated and completed with consenting property owners, AOGCC can better anticipate and predict issues concerning future development. By exercising restraint and choosing not to exercise its authority under Section 41.06.140, AOGCC can take time to consult with property owners on the North Slope to ensure future cooperation and develop best practices before amalgamating the property interest of nonconsenting parties.

**III. Conclusion**

Within its draft regulations it is also important that AOGCC recognizes that none of these issues are well understood at this time. AOGCC must set a high standard for the "good faith effort to get the consent of all persons with an ownership interest in the proposed storage reservoir and surface owners of land overlying the proposed storage reservoir" required in Section 41.06.130(b)(4). That section includes recognition that the "interests of the mineral owners or mineral lessees will not be adversely affected..." (Section 41.06.130(b)(5)). Balancing these interests requires a clear and elevated burden to show "good faith" to AOGCC for an operator to secure a permit.


We encourage you to remember that advancements in technologies and understanding of geology have led to commercial discoveries in formations that had long been dismissed, such as the Nanushuk play (Pikka and Willow). With these recent developments in mind, we encourage AOGCC to favor the protection of a landowner's mineral interests when considering the issuance of a carbon capture and sequestration permit over any "good faith effort" by a developer, especially when the affected surface and subsurface landowners have not consented.

We are concerned that if AOGCC exercises its amalgamation authority, fails to define "good faith efforts," and fails to obtain input regarding the protection of landowner's mineral interests, landowners like ASRC will be approached by speculators and those ill-equipped to manage long-term carbon storage projects. Responding to these developers will tax both ASRC's and AOGCC's valuable staff and resources.



Carbon storage is an exciting opportunity for Alaska. ASRC and AES have been deeply engaged in the development of this emerging opportunity and while we are excited by future opportunities, we must also recognize there is much we do not know. A cautious, methodical approach to developing carbon storage opportunities in Alaska that leverages the collective willingness of consenting property owners is critical to the initial development of the industry in our state. You can ensure that effort is successful by developing clear regulatory guidance in partnership with ASRC, for developers that discourages dependence on the authority of AOGCC to amalgamate interests, without the consent of affected property owners.

Sincerely,  
ARCTIC SLOPE REGIONAL CORPORATION



David Knutson  
Sr. Director of Lands and Natural Resources





THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

# Alaska Oil and Gas Conservation Commission

333 West Seventh Avenue  
Anchorage, Alaska 99501-3572  
Main: 907.279.1433  
Fax: 907.276.7542  
[www.aogcc.alaska.gov](http://www.aogcc.alaska.gov)

May 16, 2025

Mr. David Knutson  
Sr. Director of Lands and Natural Resources  
ASRC  
3900 C Street, Suite 801  
Anchorage, AK, 99503

Re: Docket Number: R-24-002  
Carbon Storage Facility Regulations  
Class VI Primacy Application

Dear Mr. Knutson:

Thank you for submitting your comments to the Alaska Oil and Gas Conservation Commission (AOGCC) in response to the Notice of Public Scoping and Notice of Public Hearing (Notice). The hearing was held on November 7, 2024. As was stated in the Notice, AOGCC is intending to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program, and to engage with surface and subsurface landowners, industry, and other interested or affected stakeholders for their ideas and suggestions before the AOGCC undertakes the task of drafting any specific proposed regulations for public review.

AOGCC is now developing draft regulations for carbon storage and Class VI wells in Alaska. When ready, these proposed regulations will be noticed for public comment and public hearing. We encourage you to continue to engage with AOGCC throughout this regulation development process.

AOGCC's responses to your comments are below:

A. There are unknown liabilities for surface and subsurface landowners

*AOGCC proposes implementing Section AS 41.06.140 Amalgamating Property Interests by regulation 20 AAC 25.1085. ASRC as a surface and subsurface landowner will determine their own carbon leasing requirements similar to a DNR leasing program effective February 2025. If applicable, surface and subsurface owners and affected parties will receive notice and opportunity to comment during an AOGCC carbon storage facility permit public comment and review period.*

B. Delay implementation of Section 41.06.140

*AOGCC proposes implementing Section AS 41.06.140 Amalgamating Property Interests by regulation 20 AAC 25.1085 which would become effective on Lt Governor signature along with the other carbon storage associated proposed regulations. AOGCC encourages all surface and subsurface owners and interested parties to participate in the upcoming regulations drafting process. There is no plan or discretion for AOGCC to delay implementing these regulations once final. However, as currently envisioned in state statute and draft regulations, a nonconsenting property owner would be heard at the leasing phase, and as AOGCC processes an application for a potential carbon storage facility permit.*

Sincerely,

Jessie L.  
Chmielowski

Digitally signed by  
Jessie L. Chmielowski  
Date: 2025.05.14  
11:50:48 -08'00'

Jessie L. Chmielowski  
Commissioner

Gregory C. Wilson

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Gregory C. Wilson  
Commissioner

**ALASKA CENTER • ALASKA COMMUNITY ACTION ON TOXICS •  
CENTER FOR BIOLOGICAL DIVERSITY • COOK INLETKEEPER •  
NATIVE MOVEMENT • NORTHERN ALASKA ENVIRONMENTAL CENTER •  
SOVEREIGN IÑUPIAT FOR A LIVING ARCTIC**

*Submitted via Email and Alaska ZendTo*

November 6, 2024

Jessie L. Chmielowski, Commissioner  
Alaska Oil and Gas Conservation Commission  
333 West 7th Avenue  
Anchorage, AK 99501

**RECEIVED**

By Samantha Coldiron at 7:29 am, Nov 07, 2024

Re: Notice of Public Scoping  
Docket Number: R-24-002  
Carbon Storage Facility Regulations  
Class VI Primacy Application

Dear Ms. Chmielowski:

The Alaska Center, Alaska Community Action on Toxics, Center for Biological Diversity, Cook Inletkeeper, Native Movement, Northern Alaska Environmental Center and Sovereign Iñupiat for a Living Arctic provide the following comments to Docket R-24-002, the Alaska Oil and Gas Conservation Commission's scoping period regarding its intent to pursue Class VI primacy for carbon dioxide (CO<sub>2</sub>) injection wells and the development of regulations related to CO<sub>2</sub> storage facilities.

We are writing to express our concern regarding the Commission's intent to apply for Class VI primacy from the Environmental Protection Agency (EPA). As a threshold matter, we reject the premise that carbon capture and storage (CCS) is a necessary—or even appropriate—approach to addressing the climate crisis and Alaska's pollution burdens. After billions of dollars of investment and decades of development, deployment of CCS has consistently proven to be ineffective, uneconomic, and unnecessary.<sup>1</sup> To that end, obtaining Class VI primacy would only needlessly burden the state's agencies and resources.

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<sup>1</sup> The Intergovernmental Panel on Climate Change (IPCC) cautions against overreliance on CCS and related technologies, noting that their future deployment is uncertain and they face multiple feasibility constraints and could have adverse impacts on human rights and ecosystems. The modeled pathways that provide the greatest chance of staying below 1.5°C (2.7°F) without overshoot (experiencing global temperature increases beyond 1.5°C) avoid reliance on CCS and bioenergy with carbon capture and storage and instead focus on rapid and dramatic phaseout of fossil fuels. See Center for International Environmental Law, IPCC Unsummarized: Unmasked Clear Warnings on Overshoot, Techno-fixes and the Urgency of Climate Justice 1 ( 22), [https://www.ciel.org/wp-content/uploads/2022/04/IPCC-Unsummarized\\_Unmasking-Clear-Warnings-on-Overshoot-Techno-fixes-and-the-Urgency-of-Climate-Justice.pdf](https://www.ciel.org/wp-content/uploads/2022/04/IPCC-Unsummarized_Unmasking-Clear-Warnings-on-Overshoot-Techno-fixes-and-the-Urgency-of-Climate-Justice.pdf)

CCS projects and the assumption of Class VI primacy responsibility are an especially poor fit for our state for many reasons. Alaska's unique environment, climate, and geology make it particularly ill-suited to host CCS projects, as our numerous wetlands, underlain permafrost, arctic conditions, and seismic activity all compound the risks of CO<sub>2</sub> injection that are present in more stable conditions. Just as concerning is the Commission's poor track record of environmental enforcement and its lack of adequate resources and expertise to assume the responsibility of Class VI primacy. Focusing on a false climate solution like CCS will only divert the state's resources from what is actually needed at this critical juncture: an equitable fossil fuel phaseout. As called for by an overwhelming scientific consensus, we must focus on a rapid phaseout of fossil fuels to reduce catastrophic climate harms and stem the resulting public health, environmental justice, and biodiversity extinction crises.

For these reasons, we urge the Commission not to move forward with a Class VI primacy application and forego the development of regulations that would encourage the exploration and development of CCS projects on state lands.

**I. CCS projects are expensive, dangerous, ineffective, and an especially poor fit for Alaska**

**A. CCS is not an effective climate solution**

The science is clear that renewable energy and energy storage projects are needed to avert a climate catastrophe.<sup>2</sup> CCS diverts resources from that goal. After billions of dollars of investment and decades of development, CCS projects around the world have failed to meet their greenhouse gas emission reduction promises.<sup>3</sup> The projects themselves also have substantial greenhouse gas impacts. In one instance, plans for a CCS project show that the *construction emissions alone* will be the equivalent of burning nearly 31 million pounds of coal;<sup>4</sup> once the project is operational it will remain net-positive for greenhouse gases for at least seven years.<sup>5</sup>

Alaska's diverse, dynamic, and unique environment is warming at least two to three times faster than the global average and nearly four times faster in the arctic region of the state.<sup>6</sup> Public health and safety, plants, fish and wildlife, and critical infrastructure throughout Alaska are

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<sup>2</sup> The Department of Energy's research shows that there are enough renewable energy and storage projects proposed across the country to hit 80% of President Biden's 100% non-fossil energy goal years ahead of schedule. Dep't of Energy, Queued Up... But in Need of Transmission 1 (2022), <https://www.energy.gov/sites/default/files/2022-04/Queued%20Up%E2%80%A6But%20in%20Need%20of%20Transmission.pdf>.

<sup>3</sup> Robertson, B. & Mousavian, M., The Carbon Capture Crux: Lessons Learned 71-76 (2022), <https://ieefa.org/sites/default/files/2022-09/The%20Carbon%20Capture%20Crux.pdf>.

<sup>4</sup> Kern County Planning and Natural Resources Department, Draft Environmental Impact Report – CarbonFrontier CCS Project 4.8-24 (2024), [https://psbweb.kerncounty.com/planning/pdfs/eirs/carbonfrontier/carbonfrontier\\_deir\\_vol1.pdf](https://psbweb.kerncounty.com/planning/pdfs/eirs/carbonfrontier/carbonfrontier_deir_vol1.pdf) [hereinafter Kern County].

<sup>5</sup> *Id.* at 4.8-25.

<sup>6</sup> Huntington, H., et al., Fifth National Climate Assessment: Chapter 29 Alaska 29-5 (2023); Rantanen, M., et al., The Arctic has Warmed Nearly Four Times Faster than the Globe Since 1979, 3 *Communications Earth & Env't* 168, 2 (2022).

already being damaged by and facing increasing risks from flooding, erosion, and permafrost degradation. There is no doubt that our state is facing significant climate-related challenges, but focusing on false solutions will only cause further harm to Alaskans and the environment.

#### B. CCS is highly energy-intensive

CCS operations are energy-intensive, meaning CCS could strain Alaska’s utilities and drive up energy prices for residents. CCS projects often result in an “energy penalty” from the extra energy required to run a capture process, i.e., the amount of energy spent when compared to the energy generated. A Stanford study showed the energy penalty of CCS increases the fuel requirement for electricity generation by 11-40%. In a real-world example, one CCS project proposed building its own 23MW gas-fired powerplant just to compress the CO<sub>2</sub> for injection.<sup>10</sup> Another project, in Kern County, California, estimated its energy demands to be 49 MW/year—or 3% of the county’s total—which it would draw off the grid.<sup>11</sup>

According to a 2021 report from one think tank, widespread adoption of CCS would raise the retail price of electricity in Alaska by 10.5% or \$148.75 per year.<sup>12</sup> The Railbelt is the largest regional electric grid in Alaska and is already facing growing challenges, including substantial future price increases for consumers.<sup>13</sup> Outside of the area covered by the Railbelt, in regions like the North Slope, there is no electric grid and the vast majority of energy currently comes from diesel generators. As such, the only way to generate the excessive power needed to operate a CCS project in the North Slope would be more fossil fuel extraction, highlighting the absurdity of increasing CO<sub>2</sub> emissions in furtherance of a project to inject CO<sub>2</sub> back into the ground under the guise of reducing CO<sub>2</sub> emissions.

Alaska’s residents already “face energy disruptions, natural disasters, and the harmful effects of climate change while paying some of the nation's highest energy costs.”<sup>14</sup> Increased fossil fuel extraction, additional strain on our state’s utilities, and increased consumer prices is the last thing the people of Alaska want or need.

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Huntington (2023) at 29-5.

Jacobson, M., The Health and Climate Impacts of Carbon Capture and Direct Air Capture, 12 Energy & Env’t Sci. 3567 (2019).

House, K., et al., The Energy Penalty of Post-Combustion CO<sub>2</sub> Capture & Storage and its Implications for Retrofitting the U.S. Installed Base, Energy & Env’t Sci. (2009).

<sup>10</sup> Email from Frederick Tornatore, San Joaquin Renewables, to Leonard Scandura, San Joaquin Valley Air Pollution Control District (Mar. 2, 2021 09:10:22 PT) (on file with the Center for Biological Diversity).

<sup>11</sup> Kern County at 4.1-15.

<sup>12</sup> O’Leary, S., & Hunkler, B., Ohio River Valley Institute, Carbon Capture, Use, and Sequestration Would Decarbonize the Electric System...in the Worst Possible Way 1, 7 (2021), <https://ohiorivervalleyinstitute.org/wp-content/uploads/2021/10/CCUS-Report-FINAL-3.pdf>.

<sup>13</sup> Denholm, P., et al., National Renewable Energy Laboratory, Achieving an 80% Renewable Portfolio in Alaska’s Railbelt: Cost Analysis (2024).

<sup>14</sup> Dep’t of Energy, Office of Energy Efficiency & Renewable Energy, 100% Clean Electricity: North to the Clean Energy Future (Aug. 9, 2023), <https://www.energy.gov/eere/articles/100-clean-electricity-north-clean-energy-future>.

### C. CCS projects endanger public safety and perpetuate environmental injustice

Transporting and storing CO<sub>2</sub> will require a massive network of perilous pipelines connected to underground injection sites, which can leak or rupture. Existing CCS infrastructure has already harmed people and the environment, including the February 2020 CO<sub>2</sub> pipeline rupture in Satartia, Mississippi.<sup>15</sup> In that incident, individuals miles away from the leak began foaming at the mouth and suffocating, not knowing that they were in a potentially deadly CO<sub>2</sub> cloud.<sup>16</sup> Combustion-engine cars stopped working because of the oxygen displacement, hindering evacuation and emergency response.<sup>17</sup> An environmental assessment document for one recently proposed CCS project acknowledged that “fatalities” of workers at a nearby farm could result from a CO<sub>2</sub> leak at the project site.<sup>18</sup>

The White House Environmental Justice Advisory Council (WHEJAC),<sup>19</sup> more than 500 organizations nationwide,<sup>20</sup> and the 1,500-group Climate Action Network<sup>21</sup> have raised alarm about CCS for its impacts named above and for perpetuating harms in frontline and environmental justice communities, including Tribes. As recently as October 2024, the WHEJAC asked EPA to “suspend delegation of primary enforcement authority for UIC Class VI programs until it has made a determination that each state has achieved full compliance with applicable rules and authorities, including public participation requirements.”<sup>22</sup>

Remote Alaska Native communities have been particularly affected by environmental injustices, including the conveyance of contaminated Alaska Native Claims Settlement Act lands, struggling fish stocks, as well as climate-induced storms, erosion, flooding, and thawing permafrost. Inviting CCS projects into the state would threaten the health and safety of all residents, but remote Alaska Native villages that are at the forefront of climate change and rely on a healthy environment for their food security are most vulnerable.

Many of the concerns regarding CCS and CO<sub>2</sub> storage are inherent to such projects regardless of jurisdiction, but they are significantly elevated by the possibility of state regulators obtaining Class VI primacy under the Safe Drinking Water Act (SDWA). As outlined further below, there

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<sup>15</sup> Dan Zegart, The Gassing of Satartia, Huffington Post (Aug. 26, 2021), [https://www.huffpost.com/entry/gassing-satartia-mississippi-co2-pipeline\\_n\\_60ddea9fe4b0ddef8b0ddc8f](https://www.huffpost.com/entry/gassing-satartia-mississippi-co2-pipeline_n_60ddea9fe4b0ddef8b0ddc8f).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Kern County at 4.9-54.

<sup>19</sup> White House Environmental Justice Advisory Council, Final Recommendations: Justice40 Climate and Economic Justice Screening Tool & Executive Order 12898 Revisions 59 (2021), <https://www.epa.gov/sites/default/files/2021-05/documents/whiteh2.pdf> (listing CCS and CCUS as examples of projects that will not benefit communities).

<sup>20</sup> Letter from 350.org, et al., to President Joseph R. Biden, Jr., House Speaker Nancy Pelosi, & Senator Charles Schumer (July 19, 2021), [https://www.ciel.org/wp-content/uploads/2021/07/CCS-Letter\\_FINAL\\_US-1.pdf](https://www.ciel.org/wp-content/uploads/2021/07/CCS-Letter_FINAL_US-1.pdf).

<sup>21</sup> Climate Action Network, Position: Carbon Capture, Storage and Utilisation (2021),

[https://climatenetwork.org/wp-content/uploads/2021/01/can\\_position\\_carbon\\_capture\\_storage\\_and\\_utilisation\\_january\\_2021.pdf](https://climatenetwork.org/wp-content/uploads/2021/01/can_position_carbon_capture_storage_and_utilisation_january_2021.pdf).

<sup>22</sup> White House Environmental Justice Advisory Council, Carbon Management Recommendations, Report 2 16 (2024), <https://www.epa.gov/system/files/documents/2024-10/whejac-carbon-management-recommendations-october-2024.pdf> [hereinafter WHEJAC Report 2].

are significant concerns regarding the technical expertise and capacity of the Commission to permit Class VI wells while ensuring that our drinking water is protected.

#### D. CO<sub>2</sub> leaks endanger plants, animals, and ecosystems

Just as CO<sub>2</sub> can harm and cause fatalities with people, the same is true with animals. For example, in 1986, a sudden, catastrophic release of CO<sub>2</sub> from Lake Nyos in Cameroon killed 1,700 people and 3,000 cattle.<sup>23</sup> The CO<sub>2</sub> spread 10 km from the lake and bird, insect, and small mammal populations were not seen in the area for at least 48 hours after the event.<sup>24</sup>

Additionally, experiments with controlled injections of CO<sub>2</sub> into soil showed adverse effects on plants in response to CO<sub>2</sub> exposure.<sup>25</sup> Biomass changes were seen in all plants studied; for example, clover plants decreased by 79% while grass decreased by 42%.<sup>26</sup> The researchers' overarching conclusion was that elevated concentrations of soil CO<sub>2</sub> damages both soil microbiology and growing vegetation.<sup>27</sup>

Other research on CO<sub>2</sub> and plants showed reduced plant growth and extensive mortality at the point where CO<sub>2</sub> concentrations were greatest in the soil.<sup>28</sup> For the plants that survived, root and shoot growth was significantly lower than in controls.<sup>29</sup> Reproductive variables such as number of seeds per plant and seed dry weight per plant were also reduced compared to controls.<sup>30</sup>

Alaska is home to a variety of plants, fish, and wildlife, each of which contribute to rich, biodiverse ecosystems. Many of the species that call our state home are already struggling with the effects of climate change, human disturbances, overfishing, oil spills, and habitat fragmentation. Protecting the species that call Alaska home is inherently important and critical to the wellbeing of our state. The wellbeing of Alaska's fish, wildlife, lands, and waters is also critically important for the social, cultural, spiritual, and economic wellbeing and survival of Alaska Native people, who have relied on subsistence practices to sustain customary and traditional ways of life since time immemorial.<sup>31</sup> Hunting and fishing is also important for many residents and visitors to Alaska who are not Native, and the ability to carry out those activities requires healthy fish and wildlife populations. As the Department of Fish and Game notes on its website, "[w]ildlife is one reason why people live in Alaska, and a big reason why visitors come

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<sup>23</sup> Kling, G., et al., The 1986 Lake Nyos Gas Disaster in Cameroon, West Africa, 236 *Science* 169 (1987).

<sup>24</sup> *Id.*

<sup>25</sup> Smith, K., et al., Environmental Impacts of CO<sub>2</sub> Leakage: Recent Results from the ASGARD Facility, UK, 37 *Energy Procedia* 791 (2013).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Al-Traboulsi, M., et al., Potential Impact of CO<sub>2</sub> Leakage From Carbon Capture and Storage (CCS) Systems on Growth and Yield in Spring Field Bean, 80 *Env't & Experimental Botany* 43 (2012).

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> Alaska Federation of Natives, Resolution 23-01: A Resolution in Support of Alaska Native Aboriginal Hunting and Fishing Rights and Congressional Action to take Immediate Action to Permanently Protect the Right of Alaska Native People to Engage in Subsistence Fishing in Alaska's Navigable Waters (Oct. 1, 2023).

to Alaska.”<sup>32</sup> The state must not risk damage to the precious and fragile ecosystems of the state, which so many Alaskans rely on, by encouraging dangerous CCS projects.

E. CO<sub>2</sub> is highly corrosive to steel, making leaks possible, and compounding other environmental hazards presented by Alaska’s unique environment

There remains tremendous uncertainty about whether CO<sub>2</sub> can be reliably injected and stored without leaks and corrosion. In September 2024, EPA released information that the nation’s first-ever Class VI injection well, issued to Archer Daniels Midland (ADM), had been leaking CO<sub>2</sub> for years.<sup>33</sup> In response to the ADM leak and EPA investigation, EPA alerted CCS companies that the type of steel used by ADM, 13 Chrome, and a type of cement commonly used by the industry to secure those pipes, “are NOT suitable for construction of these wells in most instances, particularly under potentially corrosive conditions when both water and CO<sub>2</sub> are present.”<sup>34</sup> CO<sub>2</sub> is especially corrosive when it is pumped into a saline aquifer—which is common practice for CCS projects—because of a chemical reaction that leads to the formation of carbonic acid, an extremely corrosive liquid.<sup>35</sup> Carbonic acid can form whenever compressed CO<sub>2</sub> comes into contact with water and there has been very little research into which, if any, metals can withstand carbonic acid corrosion.<sup>36</sup>

Due to these issues, CO<sub>2</sub> pipelines and injection wells located in wetlands may be at increased risk of leaks or breaks due to pipeline corrosion from coastal saltwater, the erosion of the wetlands themselves, and coastal flooding and storms.<sup>37</sup> Wetlands cover approximately 43% of Alaska’s surface area, including many areas along the coast.<sup>38</sup> The proposed CCS project on the northern shore of the Cook Inlet, for example, is not a good fit for the wetlands in the area and places the community and ecosystem at great risk.

In addition to the baseline uncertainty about whether any metals can withstand CO<sub>2</sub> corrosion in the best of conditions, Alaska’s extreme and changing climate adds a level of uncertainty that compounds the risk. Engineering construction that has been designed and tested in climatic conditions outside of Alaska should be presumed unsafe to use in arctic temperatures without

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<sup>32</sup> Alaska Department of Fish and Game, Division of Wildlife Conservation – Division Overview, <https://www.adfg.alaska.gov/index.cfm?adfg=divisions.wcoverview>.

<sup>33</sup> Press Release, Environmental Protection Agency, EPA Announces Proposed Order Requiring Archer Daniels Midland Co. to Take Actions to Ensure Safe Operation of its Carbon Sequestration Well in Decatur, Illinois (Sept. 19, 2024), <https://www.epa.gov/newsreleases/epa-announces-proposed-order-requiring-archer-daniels-midland-co-take-actions-ensure>.

<sup>34</sup> Annie Snider & Ben Lefebvre, Carbon Storage Projects Hit a Hurdle: Corroding Steel, E&E News (Oct. 9, 2024), <https://subscriber.politicopro.com/article/eenews/2024/10/09/carbon-storage-projects-hit-a-hurdle-corroding-steel-ee-00182889> [hereinafter Snider & Lefebvre].

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> Center for International Environmental Law, Confronting the Myth of Carbon-Free Fossil Fuels: Why Carbon Capture is Not a Climate Solution 2, 4, 24 (2021), <https://www.ciel.org/wp-content/uploads/2021/07/Confronting-the-Myth-of-Carbon-Free-Fossil-Fuels.pdf>.

<sup>38</sup> Alaska Department of Environmental Conservation Division of Water, Alaska’s CWA Sec. 404 Dredge and Fill Permitting Program Development, <https://dec.alaska.gov/water/wetlands-404/>.

first ensuring their reliability.<sup>39</sup> Swift temperature drops in particular can alter the mechanical properties of steel, leading to low-temperature induced brittleness.<sup>40</sup> About 85% of Alaska is underlain by permafrost<sup>41</sup> and degradation of permafrost due to climate change has already resulted in extensive damage to built infrastructure, including the Trans-Alaska Pipeline System.<sup>42</sup> “[I]t is believed that thawing of near surface permafrost will negatively affect up to 70% of current arctic infrastructures,” as projected climate warming will further reduce the capacity of permafrost to support infrastructure.<sup>43</sup> Intensifying the uncertainty is the current widespread lack of assessments of permafrost presence in the state.<sup>44</sup>

#### F. Injected CO<sub>2</sub> can lead to, and be impacted by, seismicity

Science shows that CO<sub>2</sub> injection can be impacted by seismic events and itself induce seismicity.<sup>45</sup> In one example, CO<sub>2</sub> injection as part of a CCS project in Decatur, Illinois was followed by roughly 180 earthquakes across a two-year span, near and at the approximate depth of the CO<sub>2</sub> injection.<sup>46</sup> At Texas’s Cogdell Oilfield, there were 18 seismic events over M3.0 and one over M4.0 over the five years following CO<sub>2</sub> injection.<sup>47</sup>

As the Alaska Seismic Hazards Safety Commission website notes, “[s]cientists have long recognized that Alaska has more earthquakes than any other region of the United States and is, in fact, one of the most seismically active areas of the world.”<sup>48</sup> The Alaska Division of Geological and Geophysical Surveys has outlined the seismic risks of three proposed CCS sites, recognizing that the seismology of the North Slope is not well studied, a moderately high seismic hazard exists at the proposed Healy site, and that the proposed Cook Inlet site has an extreme seismic hazard risk.<sup>49</sup> Injecting CO<sub>2</sub> into Alaska’s active geology is a recipe for disaster and risks public safety and destabilizing our environment.

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<sup>39</sup> Ohaeri, E., & Szpunar, J., An Overview on Pipeline Steel Development for Cold Climate Applications, 2 J. Pipeline Sci. & Eng’g 1, 2 (2022).

<sup>40</sup> Nnoka, M., et al., Effects of Different Parameters on Initiation and Propagation of Stress Corrosion Cracks in Pipeline Steels: A Review, 159 Eng’g Failure Analysis 1, 30 (2024).

<sup>41</sup> Alaska Department of Fish and Game, Permafrost, <https://www.adfg.alaska.gov/index.cfm?adfg=ecosystems.permafrost>.

<sup>42</sup> Alaska Department of Natural Resources, Analysis and Proposed Decision: Trans-Alaska Pipeline Right-Of-Way Lease Amendment, ADL 63574; Thermal Improvements at Lost Creek Hill, Pipeline Milepost 392 (2020), <https://aws.state.ak.us/OnlinePublicNotices/Notices/Attachment.aspx?id=125562>.

<sup>43</sup> Ohaeri (2022) at 2.

<sup>44</sup> Huntington (2023) at 29-23.

<sup>45</sup> Verdon, J., & Stork, A., Carbon Capture and Storage, Geomechanics and Induced Seismic Activity, 8 J. Rock Mechanics & Geotechnical Eng’g 928 (2016); Zoback, M., & Gorelick, S., Earthquake Triggering and Large-Scale Geologic Storage of Carbon Dioxide, 109 Proceedings Nat’l Academy Sci. 10164 (2012).

<sup>46</sup> Foulger, G., et al., Global Review of Human-Induced Earthquakes, 178 Earth-Sci. Reviews 438 (2018).

<sup>47</sup> *Id.*

<sup>48</sup> Alaska Seismic Hazards Safety Commission, Earthquake Risk in Alaska, <https://seismic.alaska.gov/earthquake-risk.html>.

<sup>49</sup> Alaska Department of Natural Resources Division of Geological and Geophysical Studies, Seismic Hazard Considerations for Carbon Sequestration in Alaska 9 (2022), [https://ine.uaf.edu/media/327110/ak-ccs\\_seismichazards\\_dggs\\_20220929.pdf](https://ine.uaf.edu/media/327110/ak-ccs_seismichazards_dggs_20220929.pdf).

## II. Alaska’s fiscal and administrative struggles and its poor history of oil and gas oversight cautions against its assumption of Class VI primacy

### A. The state lacks adequate resources and funding

Class VI primacy would require the Commission to hire new staff with high levels of technical expertise, expend significant funds, and commit to ongoing monitoring and enforcement. HB 50’s one-page summary nods to this resource intensity, noting that “[p]rogram setup and Class VI primacy requires general fund appropriations for legal support and contractual services.”<sup>50</sup>

Alaska does not have the financial or staffing resources to successfully carry out a Class VI injection well permitting program. As described in a 2024 report from the Alaska Legislature’s Finance Division, “the State’s fiscal situation is unsettled. Alaska still has a structural budget deficit: if all spending statutes are followed, the State would have a substantial budget deficit at expected long-term revenue. This has led to a widespread perception that Alaska is in the midst of an ongoing fiscal crisis.”<sup>51</sup> The report projects that Alaska will exhaust its “rainy day fund,” the Constitutional Budget Reserve, by 2027.<sup>52</sup> Such fiscal irresponsibility does not bode well for the state to assume the requirements of such a technically complex program.

Should the state decide to proceed with its Class VI primacy application, there must be a full disclosure of the funding and staffing demands that will be required to permit projects, including monitoring and enforcement. There must also be disclosure of where those funds will come from, i.e., whether they will be diverted from other activities or if additional funding measures must be passed. Relatedly, the state must analyze and disclose to the public what the expense burden will be to Alaskans of pursuing CCS projects in general and of any specific proposed CCS project. If the state were to obtain Class VI primacy, deployment of CCS projects in the state could be sped up, and the increased energy demand and potential costs to residents must be taken into account and disclosed to the public.

### B. The state has a poor history of oil and gas oversight.

Safe delegation of Class VI primacy to the state would require the Commission to uphold the SDWA and maintain effective oversight to protect underground sources of drinking water. In the context of oil and gas, the Commission has shown that it is unable to deter environmental and safety violations: Hilcorp, for example, had more than two dozen violations over a 3.5-year period—so many that the Commission concluded that “disregard for regulatory compliance is endemic to Hilcorp’s approach to its Alaska operations.”<sup>53</sup> While the Commission has taken anemic enforcement actions against Hilcorp for some violations, the agency was unwilling to

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<sup>50</sup> Alaska Division of Oil and Gas, Carbon Capture, Utilization & Storage Act (CCUS) HB 50 One-Pager (2023), [https://www.akleg.gov/basis/get\\_documents.asp?session=33&docid=567](https://www.akleg.gov/basis/get_documents.asp?session=33&docid=567).

<sup>51</sup> Alaska Legislative Finance Division, The Fiscal Year 2025 Budget: Legislative Fiscal Analyst’s Overview of the Governor’s Request 7 (2023), <https://www.legfin.akleg.gov/Overview/Overview2025.pdf>.

<sup>52</sup> *Id.* at 14.

<sup>53</sup> Alaska Oil and Gas Conservation Commission, Decision and Order Re: Failure to Test BOPE After Use, Milne Point Unit I-03, PTD 1900920, Other Order 109, Docket No. OTH-15-029 3 (May 3, 2016).

hold Hilcorp accountable for the 2016 gas pipeline burst in Cook Inlet, even when the Alaska Supreme Court agreed with the former commissioner that the leak was under the Commission’s jurisdiction.<sup>54</sup>

In the case of a gas leak at a ConocoPhillips’ oil field on the North Slope, the Commission waited over a year before even holding a hearing on the issue.<sup>55</sup> The leak had gone undetected for three weeks, with up to 7.2 million cubic feet of natural gas streaming into the air during that period.<sup>56</sup> Residents of the local village, Nuiqsut, watched with concern as “busloads of people” left from the oil field, but received no information from the Commission or any entity about the leak or the risks to their health.<sup>57</sup>

The Commission’s decision in 2022 to cancel its long-running practice of holding monthly public meetings is also troubling and does not paint a picture of an agency that will make Class VI permit decisions with full public transparency and accountability.<sup>58</sup> The Commission has been plagued by other issues that further strain its credibility, including the conflicts of interest and subsequent resignation of former commissioner Randy Ruedrich.<sup>59</sup> Before it attempts to assume Class VI primacy, the Commission must establish a reliable track record of integrity and strong environmental enforcement and a commitment to protect Alaska’s people and environment.

C. The state lacks the requisite technical expertise and struggles with staffing and implementation of much simpler programs

Class VI permits are complex and highly technical, covering activities spanning decades, including pre-injection, injection, and post-injection. Generally, EPA takes nearly two years to review and issue a draft Class VI permit.<sup>60</sup> EPA’s Class VI permit dashboard reflexes this reality, showing that the agency has only issued four permits since the federal Class VI regulations became effective in 2011.<sup>61</sup>

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<sup>54</sup> Sabine Poux, Alaska State Agency Again Rejects Hollis French’s Petition to Investigate Cook Inlet Leak, Alaska Public Media (Jan. 21, 2022), <https://alaskapublic.org/2022/01/21/alaska-state-agency-again-rejects-petition-to-investigate-cook-inlet-leak/>.

<sup>55</sup> Yereth Rosen, Gas Leak at ConocoPhillips Field Reviewed a Year Later, with Enforcement Action Possible, Alaska Beacon (Mar. 24, 2024), <https://alaskabeacon.com/2023/03/24/gas-leak-at-conocophillips-field-reviewed-a-year-later-with-enforcement-action-possible/>.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> Alex DeMarban, Alaska Oil and Gas Commission Cancels Monthly Public Meetings, Alaska Daily News (June 20, 2022), <https://www.adn.com/business-economy/energy/2022/06/20/alaska-oil-and-gas-commission-cancels-monthly-public-meetings/>.

<sup>59</sup> Sean Cockerham, Ruedrich Resigns Post as Regulator on State Oil and Gas Commission, Anchorage Daily News (Sept. 2, 2008), <https://www.adn.com/politics/article/ruedrich-resigns-post-regulator-state-oil-and-gas-commission/2008/09/02/>.

<sup>60</sup> WHEJAC Report 2 at 40.

<sup>61</sup> Environmental Protection Agency, Current Class VI Projects Under Review at EPA, <https://www.epa.gov/uic/current-class-vi-projects-under-review-epa> (last accessed Oct. 25, 2024).

In EPA’s own words to Congress, “[geologic storage] is a complex process that is highly dependent on site-specific conditions; therefore, *a robust and comprehensive permit application and permit review process is fundamental* to preventing endangerment of [underground sources of drinking water] from these activities.”<sup>62</sup> EPA Region 9, for example, hires outside consultants and works with the U.S. Department of Energy’s National Energy Technology Lab to assist with its Class VI permit application review process.

The technical expertise to permit Class VI wells is distinct from oil and gas permitting. Compressed CO<sub>2</sub> is highly dangerous and has high corrosive potential. As noted by the Pipeline Safety Trust:

CO<sub>2</sub> pipelines are susceptible to ductile fractures, which can, like a zipper, open up and run down a significant length of the pipe, they can release immense amounts of CO<sub>2</sub>, hurl large sections of pipe, expel pipe shrapnel, and generate enormous craters. Water, notoriously difficult to eliminate from CO<sub>2</sub> pipelines, allows the formation of carbonic acid in the pipeline which has a ferocious appetite for carbon steel.<sup>63</sup>

The risks of corrosion and CO<sub>2</sub> leaks extend beyond pipelines to include injection wells. As noted earlier in this comment, the nation’s first-ever Class VI injection well was recently found to have been leaking CO<sub>2</sub> for years due to the corrosion of steel in the well.<sup>64</sup> The company had been using a type of steel called 13 Chrome; EPA has since warned project operators and the three states that have Class VI primacy about 13 Chrome.<sup>65</sup> EPA is now recommending that CCS companies use the more corrosion-resistant Super 25 Chrome, but 25 Chrome is both significantly more expensive and harder to obtain than 13 Chrome.<sup>66</sup> EPA regulations governing Class VI wells require that the CO<sub>2</sub> injection materials last for the lifetime of the project and be compatible with all fluids that they are likely to come into contact with.<sup>67</sup>

The need for technical expertise in order to responsibly assume the review of Class VI permits is a huge barrier for the state. The state government is experiencing significant issues hiring and retaining employees, including in its payroll division, causing many of the state’s employees to

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<sup>62</sup> Environmental Protection Agency, EPA Report to Congress: Class VI Permitting 19 (2022) (emphasis added), <https://www.epa.gov/system/files/documents/2022-11/EPA%20Class%20VI%20Permitting%20Report%20to%20Congress.pdf>.

<sup>63</sup> Richard B. Kuprewicz, Accufacts’ Perspectives on the State of Federal Carbon Dioxide Transmission Pipeline Safety Regulations as it Relates to Carbon Capture, Utilization, and Sequestration within the U.S., prepared for the Pipeline Safety Trust (2022), <https://pstrust.org/wp-content/uploads/2022/03/3-23-22-Final-Accufacts-CO2-Pipeline-Report2.pdf>.

<sup>64</sup> Snider & Lefebvre.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.* One ton of 25 Chrome can cost \$40 compared to \$7 a ton for 13 Chrome. Further, only one steel mill in the U.S. makes 25 Chrome, so the vast majority of the material is imported from mills in Asia, and lead times can be up to a year. *Id.*

<sup>67</sup> 40 C.F.R. §144.83; §144.84; §144.86.

be paid late or incorrectly.<sup>68</sup> This payroll issue has compounded other hiring difficulties, including causing the already-understaffed state ferry system to lose workers.<sup>69</sup> Another example of the state’s inability to effectively implement and carry out a relatively simple program is the recent fine of \$11.9 million imposed by the U.S. Department of Agriculture’s Food and Nutrition Service for the state’s failure to properly verify eligibility.<sup>70</sup> The state has also repeatedly struggled with backlogs in the Supplemental Nutrition Assistance Program and Heating Assistance Program applications, which have recently had backlogs of 12,000 and 2,000 applications, respectively.<sup>71</sup> While each of these examples relates to programs that are very different than reviewing Class VI permit applications, they demonstrate a pattern of inability to adequately administer relatively simple, albeit high volume, functions. It is irresponsible for the state to pursue the authority to administer Class VI permitting decisions and to take on that responsibility would jeopardize the health and safety of Alaska’s residents.

D. The state lacks the requisite environmental justice expertise

The state would also need to develop and deploy environmental justice expertise in order to comply with EPA’s requirements for administering Class VI permitting, as outlined in EPA’s guidance document: *Environmental Justice Guidance for UIC Class VI Permitting and Primacy*<sup>72</sup> The Commission would be required to identify, analyze, and address environmental justice concerns in the context of implementing and overseeing Class VI permitting and must show how it will do so in its Class VI primacy application.<sup>73</sup>

To meet this requirement, the Commission must develop and be prepared to enforce an environmental justice framework as part of the permitting process. This framework must include a mechanism to review a project’s cumulative impacts and for refusing a permit on environmental justice grounds.<sup>74</sup> Other requirements include:

- Identifying communities with potential environmental justice concerns;
- Enhancing public involvement, including public outreach and meaningful engagement;

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<sup>68</sup> See, e.g., James Brooks, Understaffing at Alaska State Payroll Department Causing Widespread Problems, Alaska Beacon (Aug. 22, 2023), <https://alaskabeacon.com/2023/08/22/alaska-state-payroll-department-one-crisis-away-from-workers-going-unpaid/>.

<sup>69</sup> *Id.*

<sup>70</sup> Eric Stone, USDA Fines Alaska \$1 .9M for Failing to Ensure SNAP Recipients are Eligible, Alaska Public Media (Jun. 28, 2024), <https://alaskapublic.org/2024/06/28/usda-fines-alaska-1-9-million-for-failing-to-ensure-snap-recipients-are-eligible/>.

<sup>71</sup> Claire Stremple, State Lags in Heating Assistance Payments to Alaskans with Low Incomes, Catches up on Food Stamps, Alaska Beacon (Mar. 5, 2024), <https://alaskabeacon.com/briefs/state-lags-in-heating-assistance-payments-to-alaskans-with-low-incomes-catches-up-on-food-stamps/>.

<sup>72</sup> Memorandum from EPA Administrator Radhika Fox, Re: Environmental Justice Guidance for UIC Class VI Permitting and Primacy (Aug. 17, 2023), [https://www.epa.gov/system/files/documents/2023-08/Memo%20and%20EJ%20Guidance%20for%20UIC%20Class%20VI\\_August%202023.pdf](https://www.epa.gov/system/files/documents/2023-08/Memo%20and%20EJ%20Guidance%20for%20UIC%20Class%20VI_August%202023.pdf) [hereinafter EPA EJ Guidance].

<sup>73</sup> *Id.* (“Additionally, UIC well owners/operators should consider this guidance when developing permit applications. EPA Regions are encouraged to work collaboratively and proactively with state, tribal, and local partners to facilitate their consideration and application of this guidance in their UIC permitting actions.”).

<sup>74</sup> WHEJAC Report 2 at 16.

- Conducting environmental justice assessments, such as whether a Class VI project may create new risks or exacerbate existing impacts on affected communities;
- Enhancing transparency throughout the permitting process, such as making compliance monitoring, test results, records, and reports available, understandable, and readily accessible to the public;
- Protecting underground sources of drinking water and the communities that rely on them.<sup>75</sup>

Further, the WHEJAC recommends that all CCS projects “analyze and publicly disclose the ecological and environmental impacts (air, water, soil), human and public health risks and impacts, cumulative impacts, explosion and seismic risks, full life cycle assessments of greenhouse gas emissions outcomes, and co-pollutant emissions related to these projects.”<sup>76</sup> This analysis must be done “in the early phases of scoping of projects.” If the state elects to pursue primacy it must incorporate this level of analysis and disclosure into its Class VI permit requirements.

Finally, the WHEJAC recommends that the public be given a comment period of at least 90 days, given the novelty and complexity of Class VI permits. This public comment period should be accompanied by hearings (both in-person and virtual) as well as translations for any languages commonly spoken in the region.

EPA adheres to its own environmental justice guidance when evaluating a state’s application for Class VI primacy. For example, EPA regions must evaluate whether a state application for primacy incorporates environmental justice and equity planning and controls into its proposed program.<sup>80</sup> Once EPA receives a primacy application, it must develop and implement a plan to engage with community-based organizations in the requesting state, in order to understand perspectives on and inform the evaluation of the application.<sup>81</sup> EPA must also consult with federally recognized Tribes for any action, including a Class VI primacy application, that may affect tribal interests.<sup>82</sup>

There are many reasons that environmental justice compliance will be different and more challenging in Alaska than in other states, including the presence of 229 federally-recognized Alaska Native Tribes and the multitude of remote off-the-road-system communities, including many where an Indigenous language like Yup’ik or Iñupiaq, rather than English, is primarily spoken (requiring the presence of translators for public meetings as required by Executive Order

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<sup>75</sup> EPA EJ Guidance at 3-4.

<sup>76</sup> WHEJAC Report 2 at 2.

*Id.* at 15.

*Id.* at 40.

EPA EJ Guidance at 2 (“EPA Regional UIC staff are expected to immediately apply these practices for Class VI permitting.”).

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

13166 and Title VI of the Civil Rights Act, as well as EPA’s environmental justice guidance). Showing that it can meet EPA’s environmental justice requirements will be even more substantial of a hurdle for Alaska than many other states and one that the state cannot legitimately hope to overcome without a radical shift in its practices and priorities.

These are only a few examples illustrating the complex and technical nature of Class VI permitting. Due to these complexities and the accompanying resource demands, as well as the still-unfolding regulatory and technical landscape around CCS projects, it is preferable and in the interest of Alaskans that the Commission decide against pursuing Class VI primacy.

### **III. The Commission may—and must—choose not to pursue Class VI primacy**

The Commission is not required to submit an application for Class VI primacy to the EPA and may choose not to do so. AS 31.05.030(h), enacted by the Alaska Legislature via HB 48 in 2023, states that the Commission *may* take the necessary actions to acquire primary enforcement responsibility under the SDWA for the control of underground injection in Class VI wells. The provision does not require the Commission to pursue Class VI primacy and the Commission would not be in violation of any mandate from the Alaska Legislature by choosing to forego or delay pursuit of Class VI primacy due to the reasons outlined in this letter.

Likewise, the text of House Bill 50 is permissive and not mandatory, stating that the Commission “may adopt regulations necessary to implement AS 38.05.700 – 38.05.795 [the provisions of HB 50 relating to the licensing of state land for carbon storage exploration and the leasing of state land for CO<sub>2</sub> storage].”<sup>83</sup> This verbiage does not require the Commission to adopt regulations providing for the exploration and leasing of state land and it may choose not to. As described in detail above, it is not in the best interest of Alaskans for the Commission to encourage CCS project development in the state.

Alternatively, the Commission could develop implementing regulations for AS 38.05.700 – 38.05.795, but not choose not to pursue Class VI primacy. In doing so, the Commission can exercise the authority it received under HB 50 and develop regulations for land use activities related to CCS storage projects, but leave the Class VI injection well permitting responsibility (and the accompanying liability) to the EPA. The Commission should seriously consider this option due to the complex and arduous application process for Class VI primacy, which the EPA may choose not to grant, and the risk to Alaska’s residents and environment if the state does receive Class VI primacy but fails to responsibly administer the permitting program.<sup>84</sup>

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<sup>83</sup> H.B. 50, 33rd Leg. Sess. 8 (Alaska 2023-2024), <https://www.akleg.gov/PDF/33/Bills/HB0050Z.PDF>.

<sup>84</sup> 40 C.F.R. § 145.31(e).

#### **IV. The “loser pays” fee shifting rule in Alaska’s state courts are incompatible with the SDWA**

The SDWA allows for citizen suits against EPA if it violates any provisions of the statute.<sup>85</sup> Citizen suits have been an essential tool in furthering the purposes of the SDWA and other environmental statutes.<sup>86</sup> In such suits, courts may award any prevailing or substantially prevailing party fees as it deems appropriate. However, federal courts only award attorney’s fees to defendants in rare circumstances. This practice has made it financially feasible for citizens to act in the public interest, including bringing actions to protect drinking water.

Under Alaska law, unsuccessful plaintiffs may be required to pay not only their own fees but also the prevailing party’s fees. Alaska is the only state in the country with a “loser pays” rule that does not fully insulate public interest litigants from having to pay the opposing party’s fees if they lose. While Alaskan courts have the discretion to ameliorate the fees public interest plaintiffs may be subject to, those results are unpredictable and unreliable for plaintiffs and provide no up-front assurance that plaintiffs will be insulated from having to pay defendants’ fees.

Alaska’s fee shifting rule chills public interest litigation and is incompatible with the citizen enforcement provisions of the SDWA. While EPA may delegate primary enforcement authority, including for Class VI injection wells, to a state, the agency must ensure that the state’s program “contain[s] minimum requirements for effective programs to prevent underground injection which endangers drinking water sources.”<sup>90</sup> If the state of Alaska does pursue Class VI primacy, this issue could also lead to litigation over the state’s application, which would, at best, slow down and complicate the process; for example, litigation related to the SDWA and the enforcement provisions in Louisiana’s Class VI primacy framework is ongoing.<sup>91</sup>

#### **V. Conclusion**

CCS projects have a track record of failure and are not a solution to the climate-related challenges that Alaska faces. On the contrary, CCS projects are more likely to raise energy costs for Alaskans, cause public health issues, perpetuate environmental injustice, and harm plants, wildlife, and fish. Even if the state is unwilling to completely reject CCS projects, it must not

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<sup>85</sup> 42 U.S.C. § 300j-8.

<sup>86</sup> Florio, K.D., *Attorney’s Fees in Environmental Citizen’s Suits: Should Prevailing Defendants Recover?*, 27 *Boston College Env. Affairs L. Rev.* 707, 709 (2000).

42 U.S.C. § 300j-8(d).

C. Kinley, *The Water is on Fire: Current Circuit Approaches to Fee-Shifting in Citizen-Suits Under the Clean Water Act and the Need for Clearer and More Uniform Standards*, 46 *Wm. & Mary Env’t L. & Pol’y Rev.* 521 (2022).

AS 09.60.010; Alaska Rule of Civil Procedure 82(a) (requiring partial fee shifting against the losing party in civil cases); Alaska Rule of Appellate Procedure 508(e)(4) (requiring partial fee shifting against the losing party in appeals from agency action). The only exception is where a plaintiff brings a claim in the public interest under the Alaska or U.S. Constitution. AS 09.60.010(c).

<sup>90</sup> 42 U.S.C. § 300h(b)(1).

<sup>91</sup> *Deep South Center for Environmental Justice et al v. E.P.A.*, Case No. 24-60084 (5th Cir.) (pending).

seek Class VI primacy, instead leaving that authority in the hands of the EPA. The state’s recent and ongoing fiscal struggles, staffing shortages, difficulties implementing and carrying out basic functions and programs, and a poor track record with regard to oil and gas industry violations demonstrate that it cannot be trusted with the responsibility of reviewing Class VI permits and upholding the SDWA. Further, Alaska’s “loser pays” rule for civil suits is incompatible with the SDWA’s provisions ensuring the ability of citizens to file citizen actions against regulators that violate the statute.

There is no requirement that the Commission draft regulations that would encourage the exploration and development of CCS projects on state lands nor is the agency required to pursue Class VI primacy. In the interest of the people of Alaska and our environment the Commission must do neither.

Sincerely,

Chantal de Alcuaz  
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Alaska Center

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Executive Director  
Alaska Community Action on Toxics

Marlee Goska  
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THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

# Alaska Oil and Gas Conservation Commission

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May 16, 2025

Ms. Marlee Goska  
Alaska Staff Attorney  
Center for Biological Diversity  
P.O. Box 1178  
Homer, AK, 99603

Re: Notice of Public Scoping  
Docket Number: R-24-002  
Carbon Storage Facility Regulations  
Class VI Primacy Application

Dear Ms. Goska and Colleagues,

Thank you for submitting your comments to the Alaska Oil and Gas Conservation Commission (AOGCC) in response to the Notice of Public Scoping and Notice of Public Hearing (Notice). The hearing was held on November 7, 2024. As was stated in the Notice, AOGCC is intending to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program, and to engage with surface and subsurface landowners, industry, and other interested or affected stakeholders for their ideas and suggestions before the AOGCC undertakes the task of drafting any specific proposed regulations for public review.

AOGCC is now developing draft regulations for carbon storage and Class VI wells in Alaska. When ready, these proposed regulations will be noticed for public comment and public hearing. We encourage you to continue to engage with AOGCC throughout this regulation development process.

AOGCC's responses to your comments are below:

- 1. CCS projects are expensive, dangerous, ineffective, and an especially poor fit for Alaska**
  - A. CCS is not an effective climate solution**

*AOGCC thanks you for your detailed and referenced comments. AOGCC, as a state regulatory agency, is not in a position to respond to your comment "the science is clear that renewable energy and energy storage projects are needed to avert a climate catastrophe." AOGCC doesn't agree that "CCS diverts resources from that goal". AOGCC believes the Class VI primacy pursuit*

*process has adequate available resources. AOGCC, again, doesn't have a response to comments relating to Global, Federal, or State policy positions or their effect on "After billions of dollars of investment and decades of development, CCS projects around the world have failed to meet their greenhouse gas emission reduction promises" or of greenhouse gas emissions in general or specific to current or future CCUS projects. AOGCC doesn't have a response to the comment "Alaska's diverse, dynamic, and unique environment is warming at least two to three times faster than the global average and nearly four times faster in the arctic region of the state." Additional comments relating to public health and safety, nature, critical infrastructure being damaged by and facing increasing risks of damage to the environment by climate related challenges, or focusing on false solutions are not items/issues AOGCC Class VI primacy is able to address. AOGCC continues to believe a compliant, regulated CCUS project, in Alaska, can be executed safely.*

#### **B. CCS is highly energy-intensive**

*AOGCC, as Alaska's oil and gas, geothermal, and CCUS regulator, does not have a position or response to CCUS being energy-intensive, an energy penalty, the retail price of electricity in Alaska, Railbelt electric grid challenges, or the use of Alaska's fossil fuel to power CCUS. AOGCC's mission is "To protect the public interest in exploration and development of Alaska's valuable oil, gas, and geothermal resources through the application of conservation practices designed to ensure greater ultimate recovery and the protection of health, safety, fresh ground waters and the rights of all owners to recover their share of the resource."*

#### **C. CCS projects endanger public safety and perpetuate environmental injustice**

*The Alaska Legislature, with the passing of House Bill 50 and AS 41.06.105- AS 41.06.210 specifically, calls upon AOGCC to regulate carbon storage facilities, with a storage facility defined as "the storage reservoir, underground equipment, well, and surface facilities and equipment used in accordance with a permit; "storage facility" does not include pipelines, compressors, surface facilities and equipment used to transport carbon dioxide to the storage facility that are unrelated to well safety and metering." A Class VI carbon storage project will be permitted in compliance with the AOGCC Class VI regulations, that must be as stringent as the federal code for AOGCC to be awarded primacy of the Class VI program. AOGCC encourages participation in the upcoming Class VI regulation public process as well as during individual storage facility permitting actions once AOGCC is the Class VI primacy authority for Alaska. AOGCC believes the flexibility of the program to utilize current staff, supplemented with additional skillsets by contracted staff, will ensure that drinking water is protected.*

#### **D. CO2 leaks endanger plants, animals, and ecosystems**

*EPA, when authorizing West Virginia's Class VI primacy application, stated "In response to concerns about subsurface pressures, leaks, carbon dioxide saturation, the long-term effect of carbon dioxide in the subsurface, and storage capacity, the EPA clarifies that the geologic siting requirements at 47 CSR 13.8.1.c. consider the geochemical and geomechanical properties and storage capacity of the injection zone as they relate to the stresses due to increased formation pressures that result from injection of carbon dioxide."*

*The causes of the sudden, natural release of CO2 as deadly and voluminous as that referenced from the 1986 Lake Nyos, Cameroon incident, referenced in the comments, AOGCC believes, are unrelated to the proposed activities of Class VI carbon storage. A release of that magnitude in Alaska, associated with Class VI activities, would indicate an uncontrolled release directly from the storage reservoir to surface, unrestrained by the small diameter of injection wells, monitoring wells, or any man made penetration(s). A breach to surface of CO2 of this catastrophic magnitude*

*could occur through seismic or volcanic activity creating a fault pathway from the storage reservoir, through the multiple barriers, to surface, The permitting and site selection process would evaluate reservoir confinement and existing faults, if any, and determine appropriateness for the proposed carbon storage project.*

*AOGCC agrees that uncontrolled CO2 releases can have detrimental consequences to human health, plants, fish, and wildlife, soil and water quality. AOGCC, implementing the carbon storage statutes and federal codes permitting Class VI wells, believes the state is not risking damage to the “precious and fragile ecosystems of the state...” The AOGCC carbon storage regulations implementing the Alaska statutes are designed to be as stringent as the Class VI federal code and are designed to keep injected CO2 confined to the wells and storage formation/reservoir, protecting subsurface confining layers, wellbore penetrations, and ultimately surface populations, and underground sources of drinking water.*

**E. CO2 is highly corrosive to steel, making leaks possible, and compounding other environmental hazards presented by Alaska's unique environment**

*AOGCC, through a Memorandum of Agreement, with EPA, will continue to be provided with any guidance and information EPA has relating to Class VI wells and carbon sequestration. AOGCC acknowledges the comments surrounding CO2 effects and corrosion on steel in wells subjected to CO2, and the comments relating to CO2 and water creating an acidic environment, and research ongoing in chrome and cement types for use in Class VI wells. For the specific comment relating to the Archer Daniels Midland (ADM) leak, AOGCC restates a response from EPA included in the EPA’s West Virginia Class VI primacy application responsiveness summary that states “The EPA acknowledges concerns about corrosion (i.e., due to the formation of carbonic acid when carbon dioxide mixes with water) and carbon dioxide leakage at the ADM project. This leakage was due to corrosion of casing in the monitoring wells at the project. Class VI injection wells and monitoring wells that are completed in the injection zone that contact the CO2 plume must be adequately corrosion resistant to tolerate the acidic conditions that can be generated by mixing of CO2 streams and formation fluids in order to prevent endangerment of underground sources of drinking water”. Also, arctic operators are understanding of the effects of arctic conditions and permafrost on their activities, and AOGCC currently has regulations on well construction at 20 AAC 25 as it relates to arctic conditions and permafrost. As the Class VI program develops over time at both the Federal and State levels, additional research and information will guide AOGCC requirements. Any wells deemed not fit-for-purpose would be required to be corrected/remediated up to and including plugging or abandonment.*

**F. Injected CO2 can lead to, and be impacted by, seismicity**

*AOGCC acknowledges the comments and concerns expressed about Alaska’s seismic activity and those impacts/hazards on CO2 injection and the Class VI program. As a very general observation, Alaska’s hydrocarbons have been trapped and confined within reservoirs for geologic time. Depleted hydrocarbon reservoirs have been identified as possible candidates for carbon storage in Alaska, based in some part, on their ability to withstand Alaska’s seismic activity that the comments raise. AOGCC disagrees with the comment that “injecting CO2 into Alaska’s active geology is a recipe for disaster and risks public safety and destabilizing our environment.” As stated elsewhere, a site assessment including surface and subsurface appropriateness, is part of the Class VI permitting process.*

**2. Alaska’s fiscal and administrative struggles and its poor history of oil and gas oversight cautions against its assumption of Class VI primacy**

**A. The state lacks adequate resources and funding**

*AOGCC will evaluate staffing needs each year and supplement existing staff with contractors if additional skillsets are required. AOGCC believes the Alaska Legislature provided legislative funding sufficient to begin the Class VI primacy application process and this has now been supplemented with an EPA provided Class VI primacy grant (5 years). The program will be designed to be industry funded in that applicants would be subject to fees, trust funds, and financial assurance to unburden the state of ongoing financial obligations.*

**B. The state has a poor history of oil and gas oversight**

*AOGCC disagrees with the comment “While the Commission has taken anemic enforcement actions against Hilcorp for some violations, the agency was unwilling to hold Hilcorp accountable for the 2016 gas pipeline burst in Cook Inlet, even when the Alaska Supreme Court agreed with the former commissioner that the leak was under the Commission’s jurisdiction.” At reference 54 of provided comments. Again, AOGCC disagrees with the characterization of the Commissions handling and “gas leak at a ConocoPhillips oil field on the North Slope” as referenced in the provided comments at 55. AOGCC, under Docket OTH-22-012, provided a full accounting and timeline resulting in Other Order 200 being issued July 19, 2023. AOGCC also disagrees with the additional comments relating to AOGCC’s public transparency and accountability, credibility, and conflicts of interest. AOGCC believes it has established “a reliable track record of integrity and strong environmental enforcement and a commitment to protect Alaska’s people and environment” and AOGCC believes that the Class VI primacy and Class VI program, once implemented, will only serve to enhance this already reliable track record.*

**C. The state lacks the requisite technical expertise and struggles with staffing and implementation of much simpler programs**

*AOGCC agrees with the comment that “Class VI permits are complex and highly technical, covering activities spanning decades, including pre-injection, injection, and post injection.” AOGCC believes the Class VI permitting in Alaska, by AOGCC, will be as stringent as any EPA permit review or issuance. AOGCC disagrees with the statement of the commenter “It is irresponsible for the state to pursue the authority to administer Class VI permitting decisions and to take on that responsibility would jeopardize the health and safety of Alaska’s residents.”*

**D. The state lacks the requisite environmental justice expertise**

*The AOGCC Class VI program is based/modelled on the existing EPA Class VI program and to achieve Class VI primacy, AOGCC will need to demonstrate the states program is as stringent. AOGCC’s Class VI permitting will include a robust public notice and comment period, and surface and subsurface owner notifications and opportunity to comment. AOGCC disagrees with the comment “Due to these complexities and the accompanying resource demands, as well as the still-unfolding regulatory and technical landscape around CCS projects, it is preferable and in the interest of Alaskans that the Commission decide against pursuing Class VI primacy.”*

**3. The Commission may-and must-choose not to pursue Class VI primacy**

*The Alaska Legislature granted the AOGCC the authority to pursue Class VI primacy pursuant to AS 31.05.030(h). While the AOGCC agrees this statute used permissive and not mandatory language, the AOGCC disagrees with the commenter that the State of Alaska should not pursue primary permitting authority (primacy) over Class VI carbon storage wells. Class VI wells are already permissible in Alaska, primacy would only change who permits those wells: the federal government through the EPA or the State of Alaska through the AOGCC. The AOGCC already successfully regulates oil and gas drilling in Alaska and has managed the Class II oil and gas injection well program for nearly forty years after receiving primacy from the EPA in 1986. Moreover, through the recent passage of HB 50 (the Carbon Capture, Utilization, and Storage*

*Act)—which granted the Alaska Department of Natural Resources authority to license and lease state lands for carbon storage and exploration (AS 38.05.700 - 38.05.795) and the AOGCC jurisdiction to regulate carbon storage facilities, including wells, in Alaska (AS 41.06.105)—the Alaska Legislature expressed its intent that the AOGCC be tasked with regulating carbon storage in Alaska. Finally, the AOGCC wishes to correct a misunderstanding in the commenter’s comment asserting that the AOGCC may choose not to adopt regulations for the licensing and leasing of state land for carbon storage. As noted above, Alaska Department of Natural Resources is the state agency that was granted the authority to license and lease state land for carbon storage pursuant to AS 38.05.700 - 38.05.795. The AOGCC does not manage the leasing or licensing of state lands. Rather, it has the authority to regulate carbon storage facilities on all lands in Alaska, including state lands.*

**4. The “loser pays” fee shifting rule in Alaska’s state courts are incompatible with the SDWA**

*The AOGCC disagrees that Alaska’s rules surrounding attorney fees are incompatible with the SDWA. The SDWA mandated the EPA to promulgate regulations for state underground injection control programs with minimum requirements to prevent endangering drinking water. 42 U.S.C. § 300h(a)-(b). The EPA did so for Class VI wells by promulgating federal requirements at 40 CFR Parts 144, 145 and 146. A state’s Class VI program must be at least as stringent as the requirements in these federal regulations. 42 U.S.C. § 300h-1(b); 40 C.F.R 145.11(b)(1). While the federal regulations do have numerous requirements for public participation, including public participation in the enforcement process, there is not a requirement that a state have a particular rule regarding attorney fees. Moreover, even if it was a minimum requirement that a state was required to satisfy, Alaska’s attorney fee rule—which could require a losing litigant to pay some of the prevailing party’s attorney’s fees—is not incompatible with the rule under the SDWA which allows a federal court to do the exact same thing. 42 U.S.C. § 300j-8(d)(“court...may award costs of litigation (including reasonable attorney and expert witness fees) to any party...”)(emphasis added). In fact, Alaska’s rule may be even more generous to a public interest litigant, because Alaska has an explicit statutory provision allowing the prevailing public interest party asserting constitutional rights to recover full, instead of partial, attorney fees, while also allowing those same claimants to avoid the risk of an attorney fee award against them if unsuccessful. AS 09.06.010(c)*

Sincerely,

Jessie L. Chmielowski  
Digitally signed by  
Jessie L. Chmielowski  
Date: 2025.05.14  
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Jessie L. Chmielowski  
Commissioner

Gregory C. Wilson  
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Date: 2025.05.14 11:07:21 -08'00'

Gregory C. Wilson  
Commissioner

**From:** Santa Claus  
**To:** [AOGCC CCUS Program \(CED sponsored\)](#)  
**Subject:** PUBLIC COMMENT: CARBON CAPTURE - DOCKET R-24-002 11-7-24 HEARING  
**Date:** Thursday, November 7, 2024 2:09:37 AM  
**Importance:** High

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November 7, 2024 at 02:10  
Hearing Comment submitted via email to:  
[aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov)

Jessie L. Chmielowski  
Commissioner  
STATE OF ALASKA  
ALASKA OIL AND GAS CONSERVATION COMMISSION  
RE: Docket Number: R-24-002  
Carbon Storage Facility Regulations  
Class VI Primacy Application

Commissioner Chmielowski:

Regarding CARBON CAPTURE, please consider my article published in the June 2024 edition of "Sierra Borealis" by the Sierra Club Alaska:

Alaska's Governor Mike Dunleavy supports carbon capture and storage technology and carbon tax credits as ways to boost short-term state revenue. But, he refuses to address the current climate catastrophe.

"The (Governor's) Carbon Management and Monetization Bill is part of a carbon management plan the governor unveiled last year that he said could earn the state hundreds of millions of dollars," according to Alaska Public Media (APM).

A major driver of climate change is the burning of fossil fuels that produces lots of carbon dioxide (CO<sub>2</sub>) released into our atmosphere. One method of keeping CO<sub>2</sub> out of the atmosphere is carbon capture and storage. CO<sub>2</sub> is captured at the point of release and pumped into and stored in deep underground rock formations.

Alaska's Department of Natural Resources estimates CO<sub>2</sub> storage leases could garner more than a billion dollars over 40 years. However, APM notes that, "Right now, the state's ideas are far from materializing."

Volker Sick, of the University of Michigan's Global CO<sub>2</sub> Initiative, reports that "No carbon-capture technology works at 100 percent efficiency, and some CO<sub>2</sub> will always escape into the air. Capturing CO<sub>2</sub> is also expensive. Without a product to sell, underground storage can become a costly service. If CO<sub>2</sub> is captured from air, water or biomass, then, yes, less carbon is in the air afterward. However, if the CO<sub>2</sub>, instead, comes from new fossil fuel emissions, such as from a coal- or gas-fired power plant, carbon neutrality isn't possible."

APM reports that, "one idea is to capture CO<sub>2</sub> from the exhaust from industrial power generators around the state, like the generators that power drilling operations on the North Slope. But this kind of carbon capture technology is still a ways away," said Mark Foster, an energy consultant and former state utilities regulator. "It is... generally considered too expensive to be worth it."

And, Lili Fuhr, of the Center for International Law, says the technology “is fraught with uncertainties and ecological risks.” The New York Times (NYT) notes, “Yet a growing number of studies and reports have found that many carbon offsets simply don’t work... Instead, they say, companies should just focus on directly cutting their own emissions.”

Meanwhile, the Governor’s supporters in the Alaska Legislature failed to bring Alaska Senate Bill 114 (Oil and Gas Production/Income Tax) up for a vote, during 2024. Senate Bill 114 would have afforded Alaskans the opportunity to increase State revenue by more than one billion dollars this year, plus more than a half-billion dollars annually, during the next nine years, according to the Fairbanks Climate Action Coalition’s projections.

Passing Senate Bill 114 would have:

\*\* Closed the S-Corp tax loophole, and taxed all private and public oil and gas entities operating throughout Alaska; and,

\*\* Reduced per-barrel subsidy and tied it to investments, so that oil and gas producers could have offset their tax bills only when and where they brought their specific tax offset-linked field into production.

The Governor’s administration continues to fund and subsidize Alaska’s oil and gas industry -- the state’s largest corporate welfare system. LLCs Hilcorp and Harvest, who seem to pay no corporate income tax whatsoever, are laughing all the way to the bank, at Alaska’s expense.

The Fairbanks Climate Action Coalition notes that, “Fossil fuel companies have posted record-breaking profits year after year, while Alaskans are faced with historically high prices for fuel.”

Alaska’s substantial oil and gas subsidies could be better spent transitioning Alaska’s energy grid and labor force to renewable energy sources. Alaska’s Renewable Energy Future Report estimates a potential net gain of 100,000 renewable energy jobs.

Instead of subsidizing oil and gas, Alaska should address the real social, environmental, and health costs of fossil fuel development—costs like the harms inflicted by the 1989 Exxon Valdez oil spill—shoreline pollution, wildlife deaths and habitat loss, and billions of dollars in clean up costs.”

If the Governor truly wants to save money and generate income for Alaska, he should support legislation such as SB 114 and restrict the Alaska Industrial Development and Export Authority’s expenditures. The Sierra Club points out that, “The Alaska Industrial Development and Export Authority (AIDEA) is a state corporation that spends huge sums of our money on boondoggle projects that are often unsuccessful and controversial with little to no public input or legislative oversight....It’s time for the state to perform meaningful oversight and hold AIDEA accountable to the public.”

Also, the Governor should support Senate Bill 152 (Saving Alaskans Money with Voluntary Community Energy) -- bipartisan legislation, passed by the Legislature and awaiting the Governor’s signature. Phil Wight of the Alaska Public Interest Research Group has said, “This [the bipartisan SAVE Act] is common-sense legislation that allows Alaskans to access the deployment of low-cost, clean electrical generation, further diversifying generation sources and providing significant consumer bill savings.”

So, let’s urge legislators to put complex carbon capture and storage proposals aside and, instead, reintroduce Senate Bill 114; and support House Bill 121 and Senate Bill 101 (Renewable Portfolio Standard that sets goals for renewable energy generation for utilities from Fairbanks to Homer), House Bill 154 and Senate Bill 125 (Green Bank that creates a state loan fund for renewable energy), and House Bill 150 and Senate Bill 197 (Building Codes which could create energy efficiency standards).

Doing so can help ensure a livable climate and sound economic future for all Alaskans, especially our children.

Respectfully submitted for your consideration by:

Santa Claus  
Sierra Club Alaska

Executive Committee member  
(Published in "Sierra Borealis" June 2024 Report)

Santa Claus  
PO Box 55122  
North Pole, AK 99705  
SantaClaus@USA.net



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

# Alaska Oil and Gas Conservation Commission

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[www.aogcc.alaska.gov](http://www.aogcc.alaska.gov)

May 16, 2025

Mr. Santa Claus  
Executive Committee Member  
Sierra Club Alaska  
PO Box 55122  
North Pole, AK, 99705

Re: Docket Number: R-24-002  
Carbon Storage Facility Regulations  
Class VI Primacy Application

Dear Mr. Claus:

Thank you for submitting your comments to the Alaska Oil and Gas Conservation Commission (AOGCC) in response to the Notice of Public Scoping and Notice of Public Hearing (Notice). The hearing was held on November 7, 2024. As was stated in the Notice, AOGCC is intending to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program, and to engage with surface and subsurface landowners, industry, and other interested or affected stakeholders for their ideas and suggestions before the AOGCC undertakes the task of drafting any specific proposed regulations for public review.

AOGCC is now developing draft regulations for carbon storage and Class VI wells in Alaska. When ready, these proposed regulations will be noticed for public comment and public hearing. We encourage you to continue to engage with AOGCC throughout this regulation development process.

AOGCC's responses to your comments are below:

*AOGCC acknowledges your comments relating to Governor Dunleavy. AOGCC's Class VI Primacy application will not specifically address your comments relating to "current climate catastrophe" or "earn the state hundreds of millions of dollars" or permit "carbon capture" or determine "carbon neutrality". It will be up to prospective storage operators to evaluate their project for economics, which may include or exclude any carbon credits or carbon offsets. AOGCC has no comment on "S-Corp tax loophole" or on "reduced per-barrel subsidy" or "tax offsets" or "jobs" or "oil and gas subsidies" or comparisons to renewable energy generation or other potential legislation.*

Sincerely,

Jessie L.  
Chmielowski

Digitally signed by  
Jessie L. Chmielowski  
Date: 2025.05.14  
11:51:36 -08'00'

Jessie L. Chmielowski  
Commissioner

Gregory C. Wilson

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Wilson  
Date: 2025.05.14 10:47:27 -08'00'

Gregory C. Wilson  
Commissioner

November 7, 2024

**Alaska Oil and Gas Conservation Commission**

333 West 7<sup>th</sup> Avenue  
Anchorage, Alaska 99501

**Submitted via [aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov)**

**Subj: Santos Comments on AOGCC's Intention to Pursue Class VI Primacy**

To whom it may concern,

Oil Search (Alaska), LLC, a subsidiary of Santos Limited ("Santos"), appreciates the opportunity to provide comments to inform development of the Alaska Oil and Gas Conservation Commission's ("AOGCC") effort to pursue primacy over Class VI wells ("Class VI Primacy") and revisions to its regulations. As AOGCC has indicated in its request for comments, Santos provides these comments with the intent of assisting AOGCC to develop proposed regulations that are efficient, cost-effective, reasonable, and meet the requirements of both Alaska House Bill 50 ("HB 50") and the Environmental Protection Agency ("EPA").

Santos is supportive of AOGCC's pursuit of Class VI Primacy, and the State's overall efforts to develop reasonable carbon regulations to enable carbon management, sequestration, utilization, and storage in Alaska. In Alaska, Santos continues to work towards our corporate net-zero goal by partnering with Alaska Native Corporation landowners on improved forestry management projects. Santos views carbon storage as another opportunity to deliver on this target. A reasonable and predictable carbon regulatory regime to implement both HB 50 and Alaska Senate Bill 48 ("SB 48") will make the State of Alaska a valuable partner to energy companies and attract additional business to the State of Alaska.

Santos is one of the largest leaseholders in the State of Alaska, holding over 500 oil and gas leases on the North Slope, many of which are on State lands. On the North Slope, Santos is the operator of the Pikka Project. Development of Phase 1 of the Pikka Project is currently underway, which will bring an anticipated contribution of 80,000 barrels of oil per day of throughput to the Trans Alaska Pipeline System (TAPS) beginning in 2026. The Pikka Project will contribute significantly to the State of Alaska's economy, with widespread benefits across the region and State. The Pikka Project is the largest project being developed on State lands in the last 20 years. It is the first oil project sanctioned in Alaska, and one of the first in the world, to be developed on a net-zero equity basis for Scope 1 and 2 emissions from first oil.

Santos' vision is to be a leading global provider of Carbon Capture and Storage ("CCS") infrastructure, carbon management services, and low carbon fuels. Santos is actively participating in and leading efforts on CCS and other carbon management projects in Alaska and across the world. Santos is a global energy company; it is one of Australia's biggest domestic gas suppliers and a leading LNG supplier in the Asia Pacific region. Santos has developed one of the world's largest and lowest cost Carbon Capture and Storage projects in Moomba, South Australia, which is expected to store up to 1.7 million tons of CO2 each year, depending on CO2 availability. This project recently achieved first injection and is already performing at full injection rates. Santos was the first in the world to book carbon storage capacity on our balance sheets. In Alaska, Santos, and its partner ASRC Energy Services, was recently awarded a grant from the Department of Energy to drill a stratigraphic well at the Pikka Unit to evaluate carbon storage

# Santos

opportunities and pursue Class VI permitting of that well. Across its business and the globe, Santos is working to supply affordable, reliable and lower carbon energy by decarbonizing its projects through design and technology innovation and securing carbon offsets where decarbonization at source is not feasible. Santos recognizes that Alaska is not only a world class oil and gas province, it also has excellent potential for carbon management.

Given these objectives and experience, Santos offers the below comments aimed to inform the AOGCC's effort to design robust Class VI Primacy package.

## **Comments**

1. Consistent with the State's mandate to maximize the use of state land, the AOGCC's Class VI Primacy regulations should consider and allow for use of active or former oil and gas reservoirs for carbon storage purposes and enhanced oil recovery. Current and former oil and gas reservoirs are good options for carbon storage because (1) existing infrastructure is in place, reducing cost and surface footprint of a carbon storage project, (2) reservoir seal and rock quality is assured; (3) abundant subsurface data has been collected over decades to inform carbon storage, and (4) there may be other ancillary benefits of co-locating a carbon capture and storage project in proximity of carbon emission sources.
2. AOGCC's regulations should allow for a procedure to convert an existing well drilled for the purposes of oil or gas recovery (including an enhanced recovery injection well) to a Class VI well. This regulation should complement any DNR regulation related to transition from oil and gas recovery to carbon storage operations.
3. AOGCC should include language in regulation which allows for the Commission to exercise its discretion informed by the best available science and storage reservoir monitoring data in order to issue a completion certificate prior to the term of 50 years. Regulation should describe the criteria by which a completion certificate will be issued.
4. AOGCC should clearly state in regulation that upon issuance of a certificate of completion, any bonds posted by the storage operator will be released and title of the storage facility and carbon injected into the pore space will be transferred to the pore space owner. Any bonding requirement should consider and complement any DNR regulation related to the furnishing of a bond or surety for carbon storage operations.
5. Santos recommends that AOGCC incorporate elements for the existing oil and gas regulatory program when designing its regulatory package for Class VI wells. While there may be some unique elements, the existing permitting program for oil and gas is well understood by operators, AOGCC staff, and stakeholders.
6. Consideration should be given to existing oil and gas development in the vicinity of Class VI wells similar to how AOGCC considers how other types of injection wells may impact hydrocarbon reservoirs.

## **Conclusion**

Santos supports the AOGCC's efforts to pursue Class VI Primacy and develop a robust and reasonable regulatory framework to achieve that aim. As a company, Santos is committed to being a global leader in decarbonization and low carbon fuels and to a net-zero emissions future. With operations in Alaska, Santos is actively engaged in carbon management throughout Alaska and is keenly interested in the State's development of carbon storage and other programs to meet its own net-zero targets and as a business opportunity. Santos offers the above comments in this spirit, with the ultimate aim of the AOGCC producing a robust, credible, and economic regulatory framework. Santos looks forward to reviewing the draft regulations and providing additional feedback. If you have additional questions, please contact us at [Joe.Balash@santos.com](mailto:Joe.Balash@santos.com) or Kyle Kohman at [Kyle.Kohman@santos.com](mailto:Kyle.Kohman@santos.com).

# Santos

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joe Balash', written in a cursive style.

Joe Balash  
**Senior Vice President – External Affairs**



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

# Alaska Oil and Gas Conservation Commission

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May 16, 2025

Mr. Joe Balash  
Senior Vice President External Affairs  
Santos  
601 West 5<sup>th</sup> Avenue  
Anchorage, AK, 99501

Re: Santos Comments on AOGCC's Intention to Pursue Class VI Primacy  
Docket Number: R-24-002  
Carbon Storage Facility Regulations  
Class VI Primacy Application

Dear Mr. Balash:

Thank you for submitting your comments to the Alaska Oil and Gas Conservation Commission (AOGCC) in response to the Notice of Public Scoping and Notice of Public Hearing (Notice). The hearing was held on November 7, 2024. As was stated in the Notice, AOGCC is intending to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program, and to engage with surface and subsurface landowners, industry, and other interested or affected stakeholders for their ideas and suggestions before the AOGCC undertakes the task of drafting any specific proposed regulations for public review.

AOGCC is now developing draft regulations for carbon storage and Class VI wells in Alaska. When ready, these proposed regulations will be noticed for public comment and public hearing. We encourage you to continue to engage with AOGCC throughout this regulation development process.

AOGCC's responses to your comments are below:

- The intent of the AOGCC Class VI permitting regulations is to evaluate each prospective project on a case-by-case basis. AOGCC, in general, agrees with the Santos comment that existing oil and gas reservoirs would seem to make promising storage reservoirs, and believes that the EPA and the existing Class II and Class VI code is structured to evaluate this. AOGCC plans to consider and allow the use of active or depleted oil and gas reservoirs for carbon storage purposes and enhanced oil recovery.*

2. *Converting an existing Class II enhanced oil or gas recovery well to a Class VI well will be detailed in proposed regulations at 20 AAC 25.444 which will be reviewed by EPA during the primacy process to ensure the AOGCC regulations are as stringent as the federal code of [40 CFR 144.19](#). AOGCC also notes that Class II EOR transition to carbon storage can occur under the Class II program when it can be determined there is no increased risk to USDW's compared to Class II operations. AOGCC's priority in drafting regulations is to achieve a Class VI program for carbon storage. A future goal is a regulation package integrating carbon storage within the existing Class II program that would include mandated requirements of AS 41.06.105 – AS 41.06.210, the Carbon Capture, Utilization, and Storage Act. AOGCC regulations should complement DNR regulations (effective February 2025), while also accommodating yet to be determined non-DNR landowner leasing structures.*
3. *Alaska Statute AS 41.06.105 – AS 41.06.210 provides for AOGCC issuing a certificate of completion prior to DNR taking on the long term monitoring requirements of the carbon storage Class VI program.*
4. *Class VI financial responsibility bonding) will be as stringent as the [40 CFR 144.85](#). Issuance of a certificate of completion would release a storage operator from some financial responsibility and as per AS 41.06.105 – AS 41.06.210 the title to carbon dioxide would revert to the pore space owner. Surface facility and other pipelines etc would be as per land use agreements with the respective surface and subsurface owners. DNR bonding requirements would be in addition to AOGCC financial responsibility, but if in the acceptable format and amount could be utilized by either DNR or AOGCC so as to not impose duplicative bonding.*
5. *AOGCC agrees that multiple aspects of the existing oil and gas regulatory framework work well with the Class VI program, but to meet the Class VI primacy stringency requirements, the federal code is taking precedent.*
6. *The interaction of the various reservoir leasing scenarios and interaction between enhanced oil recovery and carbon storage will need careful management. The leasing requirements will dictate the use of the subsurface. AOGCC, by statute, has amalgamating authority to ensure correlative rights are protected.*

Sincerely,

Jessie L. Chmielowski  
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Jessie L. Chmielowski  
Date: 2025.05.14  
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Jessie L. Chmielowski  
Commissioner

Gregory C. Wilson  
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Gregory C. Wilson  
Commissioner

**From:** [Steve Schmitz](#)  
**To:** [AOGCC CCUS Program \(CED sponsored\)](#)  
**Subject:** Carbon Storage  
**Date:** Thursday, August 22, 2024 11:42:00 PM

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You don't often get email from schmitzsteve9@gmail.com. [Learn why this is important](#)

**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

There are no less than 23 turbines between CGF and CCP in Prudhoe cranking out copius amounts of CO2 in a relatively small footprint. In the heart of the most rapidly increasing zone of the globe of climate change. It would seem to me a good place to start grabbing co 2 at the "stack" to not only address climate change but enhance production. After all... CO2 is a solvent little different than MI.

Just sayin'



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

# Alaska Oil and Gas Conservation Commission

333 West Seventh Avenue  
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Main: 907.279.1433  
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www.aogcc.alaska.gov

May 16, 2025

Mr. Steve Schmitz (via email)

Re: Docket Number: R-24-002  
Carbon Storage Facility Regulations  
Class VI Primacy Application

Dear Mr. Schmitz:

Thank you for submitting your comments to the Alaska Oil and Gas Conservation Commission (AOGCC) in response to the Notice of Public Scoping and Notice of Public Hearing (Notice). The hearing was held on November 7, 2024. As was stated in the Notice, AOGCC is intending to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program, and to engage with surface and subsurface landowners, industry, and other interested or affected stakeholders for their ideas and suggestions before the AOGCC undertakes the task of drafting any specific proposed regulations for public review.

AOGCC is now developing draft regulations for carbon storage and Class VI wells in Alaska. When ready, these proposed regulations will be noticed for public comment and public hearing. We encourage you to continue to engage with AOGCC throughout this regulation development process.

AOGCC's response to your comment is below:

*AOGCC appreciates your interest in carbon storage and agrees with your comments that Alaska's North Slope, with its current and future oil and gas exploration and development, is a "good place to start" for investigating carbon storage and carbon capture opportunities. AOGCC agrees that utilizing captured CO<sub>2</sub> to enhance recovery of oil and gas is similar to injecting MI (miscible injectant) and of benefit to the State.*

Sincerely,

Jessie L.  
Chmielowski

Digitally signed by  
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Date: 2025.05.14  
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Jessie L. Chmielowski  
Commissioner

Gregory C. Wilson

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Gregory C. Wilson  
Commissioner



October 25, 2024

The Alaska Oil and Gas Conservation Commission (AOGCC)  
333 west 7th Avenue  
Anchorage, AK 99501

Submitted electronically to [aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov)

Re: Docket Number: R-24-002  
Carbon Storage Facility Regulations  
Class VI Primacy Application

The Susitna River Coalition (SRC) is a community-based organization in Talkeetna dedicated to protecting the Susitna watershed and supporting the ecosystems and communities that rely on it. On behalf of our membership of 14,000 individuals, groups, and businesses, we submit these comments regarding the Alaska Oil and Gas Conservation Commission's (AOGCC) application for Class VI primacy from the EPA.

While carbon capture and storage (CCS) could play a role in reducing emissions, transferring regulatory oversight of Class VI wells to the AOGCC introduces significant risks. This shift could expose the state of Alaska to long-term liabilities, financial burdens, and environmental hazards while diverting focus from more effective energy solutions.

#### 1. AOGCC's Limited Capacity and Incompatibility with Class VI Regulation

The AOGCC's expertise is rooted in regulating oil and gas operations, which differs from the unique, long-term challenges associated with underground CO<sub>2</sub> storage. Class VI wells require specialized oversight, including continuous monitoring for potential leaks and ensuring the secure, permanent containment of CO<sub>2</sub>. Overseeing these operations would require the AOGCC to develop new resources, provide additional training, and build technical expertise - tasks the EPA has been managing since 2010.

States like North Dakota have faced difficulties managing Class VI primacy, including cost overruns and administrative challenges. The AOGCC risks overextending its capabilities by

taking on these new responsibilities. Allowing the EPA to maintain regulatory authority ensures that oversight remains consistent and objective while reducing unnecessary strain on the state's resources. These multifaceted permit applications require input from experts in geology, geochemistry, risk assessment, finance, and law, along with advanced computational tools for evaluating reservoirs and forecasting subsurface behavior. ([EPA/NRAP Report: Rules and Tools Crosswalk](#)) Building the necessary capacity for such specialized tasks could overwhelm the AOGCC, given its limited experience with CCS projects within the state.

## 2. Financial and Legal Risks from CO2 Leakage

CO2 leakage is a real and serious risk at every stage of the CCS process - during transportation, injection, and long-term storage. The 2020 Denbury (now Exxon) pipeline rupture in Satartia, Mississippi, resulted in almost 50 residents requiring hospital treatment, along with evacuations and environmental damage, and releasing over 31,000 barrels of CO2, demonstrating the unpredictability of CO2 infrastructure. ([APNews: Mississippi Pipeline Rupture](#)) Alaska could face similar risks, especially with old or poorly sealed wellbores providing pathways for CO2 to escape.

Financial responsibility for CO2 leaks and remediation in Alaska is shared between the storage operator, the state, and the Carbon Storage Closure Trust Fund. While this system aims to minimize the state's financial exposure, uncertainties remain about long-term liability, the adequacy of the trust fund, and the risk of costs exceeding available resources - leaving taxpayers potentially vulnerable. Concerns have arisen about cost overruns, particularly after the "completion phase," when the state assumes responsibility for long-term monitoring and maintenance. If leaks occur beyond this phase and the trust fund proves insufficient, the financial burden could shift to the state, public utilities, and ultimately taxpayers. Monitoring and remediation may be required for decades, as geological shifts could compromise storage sites, posing a significant long-term liability that could strain public funds and resources.

## 3. Misalignment with Alaska's Energy Goals and Opportunity Costs

Pursuing Class VI primacy could divert attention and resources away from more effective energy strategies. The proposed CCS project linked to a new coal-fired plant in Alaska underscores this risk, with an estimated \$3.6 billion capital cost. ([Institute of Northern Engineering: Low Carbon Feasibility Study](#)) According to energy experts at the 2024 Mat-Su Economic Conference in Wasilla, investments should focus on reliable, low-risk solutions, especially during a time of economic uncertainty. Making the wrong investment decisions carries a real opportunity cost. To ensure success, the focus must be on reliability, affordability, and redundancy - criteria that carbon capture and low-grade coal struggle to meet.

CCS technology is not only costly but energy-intensive. Brent Sheets from the University of Alaska's Petroleum Development Laboratory noted that 25% of the power output from the proposed CCS project would be used just to operate the capture equipment. This reduces the efficiency of the entire energy system, compounding Alaska's already high energy costs.

Prioritizing smaller and scalable projects distributed throughout the Railbelt offers a more sustainable and cost-effective path forward - a point frequently emphasized by senior staff and board members of Matanuska Electric Association (MEA). A 2020 study by the National Renewable Energy Laboratory (NREL) found that shifting the Railbelt region to 76% renewable energy with mostly wind and solar by 2040 would be the most economical option. Focusing on CCS instead risks creating stranded assets if the technology becomes economically unviable.

HB 50 could jeopardize Alaska's bid for Class VI primacy, which gives the state authority to regulate CO<sub>2</sub> storage wells under the EPA's UIC program. By promoting CO<sub>2</sub> use for Enhanced Oil Recovery (EOR) instead of focusing solely on permanent storage, the bill signals that Alaska prioritizes oil production over long-term climate goals. Section 41.06.185 of HB 50 even exempts EOR projects from carbon storage regulations, undermining CCS's purpose. Effective regulation must ensure captured CO<sub>2</sub> is stored permanently, not used to extend the life of oil fields.

#### 4. Long-Term Monitoring and Community Safety

Ensuring the long-term containment of CO<sub>2</sub> in underground formations is inherently uncertain. Geological shifts, unforeseen faults, or old oil and gas wells can provide escape routes for stored CO<sub>2</sub>, negating the climate benefits of CCS. ([Institute for Energy Economics and Financial Analysis](#)) Notable examples of failures in gas containment include the 2015 Aliso Canyon gas leak in California, which released 97,000 metric tons of methane, marking the worst man-made greenhouse gas disaster in U.S. history. Another instance is the In Salah CCS project in Algeria, which began injecting CO<sub>2</sub> in 2004 but was suspended in 2011 due to concerns over seal integrity and unusual movements of the trapped CO<sub>2</sub>, despite a total cost of \$2.7 billion. ([In Salah Fact Sheet: Carbon Dioxide Capture and Storage Project](#)) Once injected, CO<sub>2</sub> must be monitored for decades, if not centuries, to detect leaks and address environmental impacts.

The Mississippi pipeline rupture offers a warning about the potential risks. Similar incidents in Alaska could contaminate groundwater, harm ecosystems by soil acidification and lowering pH levels in aquatic environments, and require costly remediation efforts. If the AOGCC is granted Class VI primacy, it would assume responsibility for long-term oversight, further increasing the state's financial liability.

## 5. The Energy Cost of Carbon Capture and the Renewable Advantage

CCS offers limited benefits in reducing emissions - especially when it supports the development of new fossil fuel plants, such as coal facilities. While CCS captures carbon after coal is burned, it does not reduce the amount of coal needed to produce electricity, meaning no energy savings are achieved. In contrast, renewable sources like wind and solar generate electricity without burning fossil fuels, directly reducing both fossil fuel consumption and emissions.

Additionally, CCS is an energy-intensive process that requires significant power to capture, compress, transport, and store CO<sub>2</sub>. Much of this energy still comes from fossil fuels, which offsets some of the emissions reductions achieved. Renewables, on the other hand, become even more effective when paired with energy efficiency measures - such as better insulation, smart grid technology, and efficient appliances - that reduce overall electricity demand and lower the need for energy generation.

With wind and solar energy costs steadily declining, building new infrastructure with these technologies is more affordable than retrofitting old coal plants with CCS or constructing brand new fossil fuel plants to use with CCS. While CCS may extend the life of fossil fuel infrastructure, renewables provide a sustainable, long-term solution aligned with climate goals. They reduce emissions, enhance energy efficiency, and pave the way for a more resilient low-carbon future.

## 6. Public Funding Concerns

Large-scale CCS projects depend heavily on public funding because private investors are hesitant to take on the financial risks due to high costs, infrastructure demands, and the need for long-term price stability. Granting Class VI primacy could shift these financial burdens to State funds and public utilities - and ultimately, taxpayers and ratepayers - creating a kind of “social security system” for aging fossil fuel technologies. This would subsidize companies seeking to prolong operations under the guise of CCS, diverting resources from investments in newer, more efficient energy solutions.

## 7. Partnering for Transparent and Community-Aligned CCS

AOGCC’s extensive knowledge in oil and gas development uniquely positions it to work alongside other regulatory bodies to support effective CCS projects in Alaska. By collaborating with the EPA, there is an opportunity to enhance public trust through additional transparency and shared best practices, ensuring CCS initiatives are well-aligned with community interests.

Encouraging public participation can further strengthen these efforts, offering valuable insights that enrich decision-making and project outcomes. Providing Alaskans with opportunities for

input, access to project information, and open forums helps foster a shared vision for sustainable energy solutions in Alaska.

#### Conclusion: Rejecting Class VI Primacy and Pursuing Smarter Energy Investments

The AOGCC's application for Class VI primacy introduces challenges for Alaska. The agency lacks experience in managing the complex, long-term responsibilities required for effective CCS oversight. Shifting these duties to the AOGCC could create financial liabilities, environmental risks, and administrative burdens, potentially limiting the state's capacity to pursue other energy priorities.

Focusing on established solutions - such as renewables, energy efficiency, and infrastructure improvements - would provide more immediate and reliable benefits for Alaska's energy future. Retaining EPA oversight of Class VI wells ensures independent, specialized regulation while preventing unnecessary strain on state resources.

The Susitna River Coalition recommends the state to abandon the AOGCC's pursuit of Class VI primacy and instead focus on investments that build a sustainable and resilient energy future for Alaska.

Thank you for the opportunity to comment.

Best Regards,



June Okada

Energy Coordinator, Susitna River Coalition

[June@susitnarivercoalition.org](mailto:June@susitnarivercoalition.org)

907-733-5400

Resources referenced in the above comments:

- [Rules and Tools Crosswalk: A Compendium of Computational Tools to Support Geologic Carbon Storage Environmentally Protective UIC Class VI Permitting](#) A study by the EPA (United States Environmental Protection Agency) and NRAP (National Risk Assessment Partnership), 2022
- ["Federal order reached after Mississippi pipeline rupture"](#) Article in AP News, April 7, 2023

- [Cook Inlet Region Low Carbon Power Generation With Carbon Capture, Transport, and Storage Feasibility Study](#) Prepared by Frank Paskvan, UAF and EERC, an agency of the University of N. Dakota
- [Carbon Capture's Methane Problem](#) Study by Institute for Energy Economics and Financial Analysis, 2022
- [In Salah Fact Sheet: Carbon Dioxide Capture and Storage Project](#) Carbon Capture and Sequestration technologies at MIT



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

# Alaska Oil and Gas Conservation Commission

333 West Seventh Avenue  
Anchorage, Alaska 99501-3572  
Main: 907.279.1433  
Fax: 907.276.7542  
[www.aogcc.alaska.gov](http://www.aogcc.alaska.gov)

May 16, 2025

Ms. June Okada  
Energy Coordinator  
Susitna River Coalition  
PO Box 320  
Talkeetna, AK, 99676

Re: Docket Number: R-24-002  
Carbon Storage Facility Regulations  
Class VI Primacy Application

Dear Ms. Okada:

Thank you for submitting your comments to the Alaska Oil and Gas Conservation Commission (AOGCC) in response to the Notice of Public Scoping and Notice of Public Hearing (Notice). The hearing was held on November 7, 2024. As was stated in the Notice, AOGCC is intending to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program, and to engage with surface and subsurface landowners, industry, and other interested or affected stakeholders for their ideas and suggestions before the AOGCC undertakes the task of drafting any specific proposed regulations for public review.

AOGCC is now developing draft regulations for carbon storage and Class VI wells in Alaska. When ready, these proposed regulations will be noticed for public comment and public hearing. We encourage you to continue to engage with AOGCC throughout this regulation development process.

AOGCC's responses to your comments are below:

## **1. AOGCC's Limited Capacity and Incompatibility with Class VI Regulation**

*AOGCC agrees that the commission's current capability is focused primarily on oil and development and that Class VI wells/program oversight will require additional resources and training to build technical expertise. AOGCC will revisit staffing and expertise and supplement this with specialized knowledge from consultant services for certain parts of the Class VI program. Cost overruns will not be an AOGCC/Alaska difficulty as the program is designed to be industry funded through multiple fees and injection surcharges.*

## **2. Financial and Legal Risks from CO2 Leakage**

*AOGCC agrees that CO2 leakage is a real and serious risk at every stage of the CCS process (transportation, injection, and long term storage). AOGCC regulations on permitting encompass planning for these scenarios. AOGCC Class VI regulations will address concerns over “old or poorly sealed wellbores providing pathways for CO2 to escape”. Wells will need to meet criteria and be frequently tested to verify their ability to store the CO2.*

*AOGCC agrees financial responsibility for CO2 leaks and remediation in Alaska is a requirement that is addressed in the regulations. AOGCC believes these regulations to be as stringent as those implemented by EPA in [CFR 40 146.85](#).*

## **3. Misalignment with Alaska’s Energy Goals and Opportunity Costs**

*The storage operator will face multiple decisions prior to leasing land and applying to AOGCC for a storage facility permit for their project. AOGCC criteria will be detailed in the regulations and a project will be evaluated on a case-by-case basis. Small or large, including location are covered by the aspects of the states carbon storage program. AOGCC believes HB50 (including AS 41.06.185) can be implemented through the new regulations without conflict with existing EOR projects, including a transition from EOR to carbon storage. AOGCC believes that carbon storage directly implemented by AOGCC and not by multiple Alaska government or federal regulators, will allow for thorough oversight.*

## **4. Long-Term Monitoring and Community Safety**

*Examples cited for long-term containment uncertainties/failures show why the AOGCC case-by-case application process will evaluate the appropriateness of a site for carbon storage in Alaska. AOGCC will not be the pipeline authority or inspection agency. Pipelines are regulated by PHMSA and the Alaska Pipeline Authority.*

## **5. The Energy Cost of Carbon Capture and the Renewable Advantage**

*AOGCC does not determine policy on type of energy, value of energy, or preference of renewables vs. coal or fossil fuels etc.*

## **6. Public Funding Concerns**

*AOGCC does not determine policy on type of energy, value of energy, or preference of renewables vs. coal or fossil fuels etc.*

## **7. Partnering for Transparent and Community-Aligned CCS**

*AOGCC agrees that collaborating with EPA during the Class VI program implementation and knowledge sharing of CCS will benefit Alaska. Public participation will be as stringent with AOGCC as it is with EPA.*

## **Conclusion: Rejecting Class VI Primacy and Pursuing Smarter Energy Investments**

*As a general note, multiple commenters have stated or implied that AOGCC should not pursue primacy over Class VI carbon storage/geologic sequestration of carbon dioxide or that it should simply not be allowed in Alaska. AOGCC is answerable to the citizens of this state and we take your comments and concerns seriously. However, it should be noted that carbon dioxide sequestration using such wells is a legal activity within both state and federal regulatory frameworks, and the AOGCC does not have the authority to unilaterally disallow the activity –*

*that would be a matter for state or federal legislators. AOGCC can only provide and enforce regulations to make such activities as protective as possible for human health and the environment.*

*In the 2024 Alaska Legislature Regular Session, House Bill 50 “the Carbon Capture, Utilization, and Storage Act” was passed into law and became effective July 31, 2024. It includes AS 41.06.105 through AS 41.06.210 setting up a framework for carbon storage in Alaska and directing AOGCC to implement regulations to facilitate carbon storage permitting. This was in anticipation of AOGCC pursuing Class VI primacy by applying to the EPA. In addition, if the state were not to seek primacy, this would not stop permitting such carbon storage operations. It would merely mean that portions of the process would be authorized by the EPA under its existing rules for permitting such activities – which are less restrictive for operators than those proposed by AOGCC - and other portions would be authorized and required by AOGCC to comply with AS 41.06.105-41.06.210.*

Sincerely,

Jessie L.  
Chmielowski

Digitally signed by  
Jessie L. Chmielowski  
Date: 2025.05.14  
11:52:40 -08'00'

Jessie L. Chmielowski  
Commissioner

Gregory C. Wilson

Digitally signed by Gregory C. Wilson  
Date: 2025.05.14 10:14:40 -08'00'

Gregory C. Wilson  
Commissioner

## 2. November 2024 – March 2025: Carbon Storage Community Townhalls:

- Fairbanks: November 19, 2024
- Anchorage: January 22, 2025
- Kenai: January 23, 2025
- Utqiagvik: March 3, 2025



**ACEP**  
Alaska Center for Energy and Power



# TOWN HALL ENERGY DISCUSSION

## Carbon Capture, Utilization, and Storage

**Tuesday, November 19, 2024 - 6 P.M.**  
**Morris Thompson Cultural and Visitor Center**  
**Doors open at 5:30 P.M.**

Momentum is growing for carbon capture, utilization, and storage (CCUS) as a key solution to reduce carbon emissions from industrial processes and fossil energy production.

But what exactly is CCUS? Why is it gaining attention now, and how is it being pursued in Alaska?

Join the Alaska Center for Energy and Power and partners for a town hall discussion on CCUS topics and policy landscape. Learn how Alaska's geology and new regulatory framework has the potential to support diverse carbon storage projects aligned with low carbon development. Panelists will include state and federal agencies charged with managing the state's pore space resources and providing regulatory oversight, followed by a Q&A session.

### **Bring the Family!**

Our partners at Alaska Resource Education will host engaging, science-based activities for youth in the foyer during the town hall. Bring your school-age children along for an evening filled with learning and fun! Snacks will be provided for kids.

For more information around developments on CCUS in Alaska visit: <https://ine.uaf.edu/carbon>.



UA is an affirmative action/equal opportunity employer, educational institution and provider and prohibits illegal discrimination against any individual: [www.alaska.edu/nondiscrimination](http://www.alaska.edu/nondiscrimination).



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University of Alaska Fairbanks  
1764 Tanana Loop, Suite 402  
Fairbanks, Alaska 99775-5910  
Phone: 907.474.5402  
[uaf.edu/acep](http://uaf.edu/acep)



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Alaska Center for Energy and Power



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Attendees can  
win 1 of 5  
\$50 fuel  
vouchers



# TOWN HALL ENERGY DISCUSSION

## Carbon Capture, Utilization, and Storage

**Wednesday, January 22, 2025 - 6 P.M.**

**Anchorage Loussac Public Library - Marston Theater**

**Doors open at 5:30 P.M.**

Momentum is growing for carbon capture, utilization, and storage (CCUS) as a key solution to reduce carbon emissions from industrial processes and fossil energy production.

But what exactly is CCUS? Why is it gaining attention now, and how is it being pursued in Alaska?

Join the Alaska Center for Energy and Power and partners for a town hall event designed to facilitate the free expression of opinions on the implications of CCUS. Learn how Alaska's geology and new regulatory framework has the potential to support diverse carbon storage projects aligned with low carbon development. Panelists will include state and federal agencies charged with managing the state's pore space resources and providing regulatory oversight, followed by a Q&A session.

### **Bring the Family!**

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For more information around developments on CCUS in Alaska visit: <https://ine.uaf.edu/carbon>.



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# TOWN HALL ENERGY DISCUSSION

## Carbon Capture, Utilization, and Storage

Thursday, January 23, 2025 - 6 P.M.  
Challenger Learning Center of Alaska, Kenai  
Doors open at 5:30 P.M.

Momentum is growing for carbon capture, utilization, and storage (CCUS) as a key solution to reduce carbon emissions from industrial processes and fossil energy production.

But what exactly is CCUS? Why is it gaining attention now, and how is it being pursued in Alaska?

Join the Alaska Center for Energy and Power and partners for town hall event designed to facilitate the free expression of opinions on the implications of CCUS. Learn how Alaska's geology and new regulatory framework has the potential to support diverse carbon storage projects aligned with low carbon development. Panelists will include state and federal agencies charged with managing the state's pore space resources and providing regulatory oversight, followed by a Q&A session.

### Bring the Family!

Our partners at Alaska Resource Education will host engaging, science-based activities for youth in the foyer during the town hall. Bring your school-age children along for an evening filled with learning and fun! Snacks will be provided for kids.

For more information around developments on CCUS in Alaska visit: <https://ine.uaf.edu/carbon>.



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[uaf.edu/acep](http://uaf.edu/acep)



# TOWN HALL ENERGY DISCUSSION

## Carbon Capture, Utilization, and Storage



Ask Questions



Geology Rocks!

Meal provided

Kids Fun!

**Monday, March 3, 2025 - 6 P.M.**  
**Inupiat Heritage Center, Multi purpose room**  
**Doors open at 5:30 P.M.**

Carbon capture, use and storage could be a way to help reduce pollution from industry and power plants that use fossil fuels. It captures carbon dioxide (CO2) before it goes into the air, finds ways to use it, or stores it underground.

But why are people talking about CCUS now? And what does it mean for Alaska?

Join the Alaska Center for Energy and Power and partners for a town hall event where you can share your thoughts and learn about CCUS. Find out how Alaska’s geology and regulation framework might allow for carbon storage projects that support cleaner energy. Speakers from state and federal agencies will explain their roles in managing these projects. There will also be time for you to ask questions!

### Bring the kids!

While adults join the discussion, kids can enjoy educational, hands-on science activities hosted by Alaska Resource Education. These fun activities will take place in the foyer during the event.

Learn more about CCUS in Alaska here: <https://ine.uaf.edu/carbon>.



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Fairbanks, Alaska 99775-5910  
Phone: 907.474.5402  
[uaf.edu/acep](http://uaf.edu/acep)

# AOGCC and Carbon Storage

The AOGCC will be directly involved in overseeing carbon storage initiatives in Alaska. As the state's energy landscape evolves, the AOGCC will ensure that Carbon Capture and Underground Storage (CCUS) projects are developed safely and effectively.

## AOGCC Primacy for a Class VI UIC Program

The Alaska Oil and Gas Conservation Commission (AOGCC) is pursuing **Primary Enforcement Authority** (Primacy) from the U.S. Environmental Protection Agency (EPA). This designation would enable the AOGCC to directly oversee and implement a **Class VI Underground Injection Control (UIC) program**.

### Responsibilities with Class VI Primacy:

- **Application Review:** Evaluate all Class VI Carbon Capture, Utilization, and Storage (CCUS) project applications within Alaska.
- **Rulemaking and Standards:** Establish robust rules and standards to ensure safe operations.
- **Permitting:** Review and issue permits to ensure projects meet stringent environmental and safety requirements.
- **Monitoring and Compliance:** Monitor injection activities continuously to protect underground water sources and ensure adherence to regulations.
- **Enforcement:** Take action against violations to uphold safety and environmental standards.

### Current Status:

The AOGCC already holds primacy over **Class II wells**, which are used to inject fluids associated with oil and natural gas production. Class VI primacy will expand the AOGCC's responsibilities to further safeguard Alaska's natural resources and public health.

## How to stay informed

The carbon storage facility permitting process, either through EPA or AOGCC, includes opportunities for public engagement. Affected parties will also receive notifications directly from the applicant. EPA or AOGCC, will issue notices through local or state newspapers for any public hearings that will include opportunities for public comment.

To stay informed of carbon storage activities at AOGCC, you can visit the carbon storage website at <https://www.commerce.alaska.gov/web/aogcc/ccus.aspx>



You can also sign up for our AOGCC distribution list at [https://list.state.ak.us/mailman/listinfo/aogcc\\_public\\_notices](https://list.state.ak.us/mailman/listinfo/aogcc_public_notices)



3. January 13, 2026 Public Hearing on AOGCC's  
proposed Class VI regulations

NOTICE OF PROPOSED CHANGES ON CARBON STORAGE AND  
UNDERGROUND INJECTION CONTROL CLASS VI WELLS  
IN THE REGULATIONS OF THE ALASKA OIL AND GAS  
CONSERVATION COMMISSION

**Summary of proposed changes:** The Alaska Oil and Gas Conservation Commission (AOGCC) proposes to adopt regulation changes in Title 20 Chapter 25 of the Alaska Administrative Code, dealing with carbon storage as it relates to Class VI wells and establishing a new Class VI Underground Injection Control program for Alaska, including the following:

- (1) **20 AAC 25.402**, title “Enhanced recovery operations,” is proposed to be updated with conforming amendments relating to “Class II” wells.
- (2) **20 AAC 25.435**, titled “Identification of underground sources of drinking water,” is proposed to add language stating that new aquifer exemptions will not be issued for a Class VI well.
- (3) **20 AAC 25.442**, titled “Expansion to the areal extent of existing Class II aquifer exemption for a Class VI well”, is proposed to add requirements to allow an owner or operator to request an expansion to an existing aquifer exemption for the purpose of a Class VI well.
- (4) **20 AAC 25.444**, titled “Transitioning from a Class II well to a Class VI well”, is proposed to add requirements for an operator of a Class II well to obtain a Class VI carbon storage permit when the primary purpose is the long-term storage of carbon or there is an increased risk to underground sources of drinking water compared to Class II operations.
- (6) **20 AAC 25.505**, titled “Scope of regulations”, is proposed to be changed to include the new sections 20 AAC 25.1000 – 20 AAC 25.1900.
- (7) **20 AAC 25.535**, titled “Enforcement”, is proposed to be amended to add provisions to implement AS 41.06.105-AS 41.06.210 in sections (a), (e), and (h).
- (8) **20 AAC 25.556**, titled “Orders”, is proposed to be amended to add a new subsection (e). This addition would establish an order for a preapplication fee for storage facility permitting without an expiration date.
- (9) **20 AAC 25.990**, titled “definitions” is proposed to amend and add new definitions.
- (10) The AOGCC also proposes adding a new Title 20, Chapter 25, Article 9, titled “Carbon Storage (20 AAC 25.1000 – 20 AAC 25.1900)” to implement AS 41.06.105 – AS 41.06.210, the Carbon Capture, Utilization, and Storage Act as it relates to Class VI wells and to implement regulations required for the AOGCC to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental

Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program. Section 1422 of the Safe Drinking Water Act (SDWA) requires Primacy applicants to implement a program that is as stringent as EPA's requirements for UIC programs and to enforce UIC program requirements that protects underground sources of drinking water from endangerment. Class VI wells are used for injection of carbon dioxide for long term underground storage. Regulations proposed to be added include sections:

- 1000. Authority of commission; scope of regulations
- 1010. Prohibition of movement of fluid into underground sources of drinking water; emergency actions
- 1020. Prohibition on operation without a permit; prohibition of non-experimental Class V wells; non-applicability to hazardous waste; prohibition on area permits
- 1025. Conversion to carbon storage
- 1030. Storage facility permit required for carbon storage; format; signatures
- 1040. Preapplication meeting; time to apply for storage facility permit; determination of application fee
- 1050. Storage facility permit application; general requirements
- 1060. Minimum criteria for siting
- 1070. Area of review; corrective action
- 1080. Storage facility permit; required Class VI well permit information
- 1085. Amalgamating property interests; hearing
- 1100. Draft permit; fact sheet
- 1120. Conditions applicable to all permits
- 1130. Establishing storage facility permit conditions; Class VI well permit conditions
- 1140. Schedule of compliance
- 1150. Public hearing; notice; public comment
- 1160. Duration; storage facility permit
- 1170. Certificate; storage facility permit
- 1180. Class VI well permit; authorization to inject
- 1200. Financial responsibility
- 1210. Class VI well construction requirements
- 1220. Logging, sampling, and testing before injection well operation
- 1230. Class VI well operating requirements
- 1240. Mechanical integrity
- 1250. Testing and monitoring requirements; records of monitoring
- 1260. Emergency and remedial response
- 1270. Injection depth waiver requirements
- 1280. Determining storage reservoir capacity
- 1290. Fees; application
- 1295. Injection surcharge; determination; notice
- 1300. Class VI well plugging
- 1310. Post-injection site care; site closure; monitoring
- 1320. Certificate of completion; public process
- 1400. Transfer; storage facility permit
- 1410. Modification, revocation and reissuance of storage facility permit
- 1420. Termination of storage facility permit
- 1430. Minor modification; storage facility permit

- 1600. Confidentiality of information
- 1610. Reporting requirements; monitoring and records
- 1650. Enforcement; penalties
- 1900. Definitions

**Written comments:** You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the AOGCC at 333 West Seventh Avenue, Anchorage, AK 99501. Comments may also be submitted by electronic email at [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov) or through the Alaska Online Public Notice System by accessing this notice on the system and using the "comment" link.

**Written comment deadline:** Written comments must be received no later than 4:30 p.m. on January 13, 2026.

**Oral hearing:** The AOGCC has scheduled a public hearing for these regulation changes on January 13, 2026, at 10:00 a.m. Oral or written comments may be submitted at the hearing. The hearing, which may be changed to virtual, if necessary, will be held in the AOGCC hearing room located at 333 West 7th Avenue, Anchorage, AK 99501. The audio call in information is (907) 202 7104 Conference ID: 535 814 25#. Anyone who wishes to participate remotely using Microsoft Teams should contact Samantha Coldiron at least two business days before the scheduled public hearing to request an invitation for the Microsoft Teams meeting.

**Public nature of comments:** Public comments, once submitted, are public records and subject to disclosure under the Alaska Public Records Act. See AS 40.25.100 - 40.25.295. Do NOT include in your comments any information that you do not want made public.

**Accommodations:** Individuals or groups of people with disabilities who require special accommodations to provide written comments or participate in the hearing should contact Samantha Coldiron at (907) 793-1223 or [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov), no later than January 6, 2026 to ensure any necessary accommodation can be provided.

**Obtaining copies of proposed regulations:** For a copy of the proposed regulation changes, contact Samantha Coldiron at the AOGCC at [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov) or calling (907) 793-1223, or go to <https://www.commerce.alaska.gov/web/aogcc/Home.aspx>

**Final version of regulations:** After the public comment period ends, the AOGCC may adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

**Statutory authority:** SLA 2024, ch. 23, § 61; AS 31.05.030; AS 41.06.105; AS 41.06.110; AS 41.06.185; AS 41.06.195

**Statutes being implemented, interpreted, or made specific:** AS 31.05.030; AS 31.05.040; AS 31.05.060; AS 31.05.150; AS 41.06.105 – AS 41.06.210

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

**How to receive further notices:** The AOGCC keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the AOGCC notices of proposed regulation changes. To be added to or removed from the list, send a request to the AOGCC Special Assistant at [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov), and give your name and your e-mail address to receive notices.

Individuals can also sign up to receive automated notifications of all State of Alaska notices, including public notice for regulation changes, by subscribing to the Alaska Online Public Notices System: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>.

Date: November 25, 2025

Jessie L.  
Chmielowski



Digitally signed by Jessie L. Chmielowski  
Date: 2025.11.25 13:19:53 -09'00'

Jessie L. Chmielowski  
Commissioner

Gregory C Wilson



Digitally signed by Gregory C Wilson  
Date: 2025.11.25 13:37:15 -09'00'

Gregory C. Wilson  
Commissioner

# ANCHORAGE DAILY NEWS

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STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the afore-said place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

11/30/2025

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed Lisi Misa

Subscribed and sworn to before me

2025-12-02

Lisa McGuire

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

2026-08-04

Lisa M. McGuire  
ELECTRONIC NOTARY PUBLIC  
STATE OF ALASKA  
MY COMMISSION EXPIRES 08-04-2026

### NOTICE OF PROPOSED CHANGES ON CARBON STORAGE AND UNDERGROUND INJECTION CONTROL CLASS VI WELLS IN THE REGULATIONS OF THE ALASKA OIL AND GAS CONSERVATION COMMISSION

Summary of proposed changes: The Alaska Oil and Gas Conservation Commission (AOGCC) proposes to adopt regulation changes in Title 20 Chapter 25 of the Alaska Administrative Code, dealing with carbon storage as it relates to Class VI wells and establishing a new Class VI Underground Injection Control program for Alaska, including the following:

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- 1120. Conditions applicable to all permits
- 1130. Establishing storage facility permit conditions; Class VI well permit conditions
- 1140. Schedule of compliance
- 1150. Public hearing; notice; public comment
- 1160. Duration; storage facility permit
- 1170. Certificate; storage facility permit
- 1180. Class VI well permit; authorization to inject
- 1200. Financial responsibility
- 1210. Class VI well construction requirements
- 1220. Logging, sampling, and testing before injection well operation
- 1230. Class VI well operating requirements
- 1240. Mechanical integrity
- 1250. Testing and monitoring requirements; records of monitoring
- 1260. Emergency and remedial response
- 1270. Injection depth waiver requirements
- 1280. Determining storage reservoir capacity
- 1290. Fees; application
- 1295. Injection surcharge; determination; notice
- 1300. Class VI well plugging
- 1310. Post-injection site care; site closure; monitoring
- 1320. Certificate of completion; public process
- 1400. Transfer; storage facility permit
- 1410. Modification, reconstruction and reissuance of storage facility permit
- 1420. Termination of storage facility permit
- 1430. Minor modification; storage facility permit
- 1450. Confidentiality of information
- 1610. Reporting requirements; monitoring and records
- 1650. Enforcement; penalties
- 1900. Definitions

Written comments: You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the AOGCC at 333 West Seventh Avenue, Anchorage, AK 99501. Comments may also be submitted by electronic mail at [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov) or through the Alaska Online Public Notice System by accessing this notice on the system and using the "comment" link.

Written comment deadline: Written comments must be received no later than 4:30 p.m. on January 13, 2026.

Oral hearing: The AOGCC has scheduled a public hearing for these regulation changes on January 13, 2026, at 10:00 a.m. Oral or written comments may be submitted at the hearing. The hearing, which may be changed to virtual, if necessary will be held in the AOGCC hearing room located at 333 West 7th Avenue, Anchorage, AK 99501. The audio call in information is (907) 202-7104 Conference ID: 535 814 25#. Anyone who wishes to participate remotely using Microsoft Teams should contact Samantha Coldiron at least two business days before the scheduled public hearing to request an invitation for the Microsoft Teams meeting.

Public nature of comments: Public comments, once submitted, are public records and subject to disclosure under the Alaska Public Records Act. See AS 40.25.100 - 40.25.295. Do NOT include in your comments any information that you do not want made public.

Accommodations: Individuals or groups of people with disabilities who require special accommodations to provide written comments or participate in the hearing should contact Samantha Coldiron at (907) 793-1223 or [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov), no later than January 6, 2026 to ensure any necessary accommodation can be provided.

Obtaining copies of proposed regulations: For a copy of the proposed regulation changes, contact Samantha Coldiron at the AOGCC at [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov) or calling (907) 793-1223, or go to <https://www.commerce.alaska.gov/web/aogcc/Home.aspx>

Final version of regulations: After the public comment period ends, the AOGCC may adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: SLA 2024, ch. 23, § 61; AS 31.05.030; AS 41.06.105; AS 41.06.110; AS 41.06.185; AS 41.06.195

Statutes being implemented, interpreted, or made specific: AS 31.05.030; AS 31.05.040; AS 31.05.060; AS 31.05.150; AS 41.06.105 - AS 41.06.210

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

How to receive further notices: The AOGCC keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the AOGCC notices of proposed regulation changes. To be added to or removed from the list, send a request to the AOGCC, Special Assistant at [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov), and give your name and your e-mail address to receive notices.

Individuals can also sign up to receive automated notifications of all State of Alaska notices, including public notice for regulation changes, by subscribing to the Alaska Online Public Notices System: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>.

Date: November 25, 2025

Jessie L. Chmielowski  
Commissioner  
Gregory C. Wilson  
Commissioner

Pub: Nov. 30, 2025

ALASKA OIL AND GAS CONSERVATION COMMISSION

In the Matter of the Commission's )  
Intention to Pursue Class VI Primacy. )  
\_\_\_\_\_)  
Docket No.: R-24-002

PUBLIC HEARING

Anchorage, Alaska  
January 13, 2026  
10:00 o'clock a.m.

BEFORE: Jessie Chmielowski, Commissioner  
Gregory Wilson, Commissioner

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## 1 P R O C E E D I N G S

2 (On record - 10:03 a.m.)

3 COMMISSIONER WILSON: Good morning. I will  
4 call this hearing to order. It is approximately 10:03  
5 a.m. on Tuesday, January 13th, 2026. I am Commissioner  
6 Gregory Wilson and with me is Commissioner Jessie  
7 Chmielowski. This is a public hearing on docket number  
8 R-24-002 to receive oral and written comments from the  
9 public, including surface and subsurface landowners,  
10 industry and other interested or affected stakeholders  
11 before the AOGCC adopts proposed draft regulations.

12 Today's hearing is being held in person and via  
13 Microsoft Teams. The in-person location is the Alaska  
14 Oil and Gas Conservation Commission office at 333 West  
15 7th Avenue, Anchorage, Alaska. For those on Teams  
16 please be mindful of any background noise and make sure  
17 that you are muted when you're not testifying or  
18 addressing the AOGCC.

19 If you require any special accommodation please  
20 contact Samantha Coldiron. She can be reached at 907-  
21 793-1223 or send her a message through the Microsoft  
22 Teams chat icon and she will do her best to accommodate  
23 you.

24 If you wish to provide public comment today and  
25 if you haven't already done so please make sure to sign

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1 in on the sign in sheet.

2 Samantha Coldiron will be recording the  
3 hearing, Computer Matrix will be preparing the  
4 transcript. On completion and preparation of the  
5 transcript anyone desiring a copy will be able to  
6 obtain it by contacting Computer Matrix.

7 The notice of hearing was published on the  
8 state of Alaska's online notices website as well as the  
9 AOGCC's website and was sent through the AOGCC email  
10 listserv on November 25th, 2025. The AOGCC also  
11 published the notice in the Anchorage Daily News on  
12 November 30th, 2025.

13 By way of background, the Alaska Oil and Gas  
14 Conservation Commission or AOGCC proposes to adopt  
15 regulation changes in Title 20, Chapter 25 of the  
16 Alaska Administrative Code in order to implement Alaska  
17 statutes 41.06.105 through 41.06.210. The carbon  
18 capture, Utilization and Storage Act as it relates to  
19 class VI wells and to implement regulations required  
20 for the AOGCC to comply for class VI primacy  
21 enforcement authority from the United States  
22 Environmental Protection Agency as a new well class  
23 within the Underground Injection Control program.  
24 Section 14.22 of the Safe Drinking Water Act requires  
25 primacy applicants to implement a program that is as

1 stringent as EPA's requirements and to enforce UIC  
2 program requirements that protects underground sources  
3 of drinking water from endangerment.

4 Class VI wells are used for injection of carbon  
5 dioxide for long term underground storage. To date the  
6 AOGCC has received written comments from Becky Long,  
7 Oil Search Alaska, LLC, University of Alaska Fairbanks  
8 and the Susitna River Coalition. As a reminder written  
9 comments will be accepted until 4:30 p.m. today and can  
10 also be submitted today at the hearing.

11 Copies of the proposed regulations are  
12 available online at the AOGCC's website. All comments  
13 will become part of the public record so please do not  
14 include any information you do not want to become --  
15 made public.

16 Before taking public testimony, Commissioner  
17 Chmielowski, do you have any questions.

18 COMMISSIONER CHMIELOWSKI: No. Thank you.

19 COMMISSIONER WILSON: First we will go to in-  
20 room public comments. We'll open the floor to anyone  
21 present here in the room and then we will take comments  
22 from people who are online. If you submitted a written  
23 comment already it is not necessary to read them for  
24 the record, but you're welcome to make testimony for  
25 the record. In order for the hearing to run smoothly

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1 and to afford an opportunity to anyone who may wish to  
2 provide comment, all comments must remain on topic and  
3 be no longer than five minutes. The AOGCC may request  
4 your comment be submitted in writing if it is  
5 extensive.

6 For those of you providing comments please  
7 remember to speak into the microphone and state your  
8 names clearly for the record.

9 Is there anyone in the room that wishes to  
10 provide public comment.

11 (No comments)

12 COMMISSIONER WILSON: Next we will move to  
13 online phone public comments. Is there anyone on the  
14 phone or on Teams who wishes to comment. If so one at  
15 a time please state your name and affiliation for the  
16 record. On Teams the code to unmute is star, six if  
17 you dialed in. If anyone has technical difficulties  
18 Samantha Coldiron can be reached at 907-793-1223 or you  
19 can call the AOGCC main number at 907-279-1433. We  
20 will pause for 60 seconds to allow people time to  
21 unmute.

22 MR. PASKVAN: Commissioner Wilson, this is  
23 Frank Paskvan with the University of Alaska Fairbanks  
24 and I'd like to testify.

25 COMMISSIONER WILSON: Please proceed.

1 MR. PASKVAN: Yes, thank you, Commissioners.

2 FRANK PASKVAN

3 called as a witness on his own behalf, testified as  
4 follows on:

5 DIRECT EXAMINATION

6 MR. PASKVAN: My name is Frank Paskvan, I'm an  
7 affiliate professor with the University of Alaska,  
8 Fairbanks and I would like to offer the University's  
9 support in regards to adopting the regulations as  
10 written. In our written testimony we offered that as  
11 an additional methodology for estimating the area of  
12 review. The regulations as proposed align with the  
13 EPA's methodologies which allow for advanced  
14 methodologies and in that written testimony the  
15 document attached describes the methodology that has  
16 been successfully used in the states of North Dakota  
17 and Wyoming for systems that start out naturally over-  
18 pressured.

19 So our testimony supports the regulations as  
20 written and offers this as a technical reference to  
21 those who may be wishing to evaluate an area with an  
22 over-pressured system.

23 That concludes my testimony.

24 COMMISSIONER WILSON: Thank you. Are there any  
25 additional participants online who would like to

Page 8

1 provide public comment at this time. Again the code to  
2 unmute is star, six if you've dialed in.

3 (No comments)

4 COMMISSIONER WILSON: We've paused an  
5 additional 60 seconds and have received no additional  
6 comments.

7 So thank you to all who have participated and  
8 made comments. If you wish to receive further notices  
9 on these regulations please make sure that your email  
10 address is on the AOGCC's email listserv. You may join  
11 the listserv by visiting the state's listserv website  
12 and entering your name and email address.

13 Any additional comments from Commissioner  
14 Chmielowski.

15 COMMISSIONER CHMIELOWSKI: No. Just wanted to  
16 reiterate that any comments may be submitted up until  
17 4:30 today.

18 Thank you.

19 COMMISSIONER WILSON: All right. Thank you,  
20 Commissioner.

21 Hearing no other business the time is 10:12,  
22 the hearing is now adjourned.

23 (Hearing adjourned - 10:12 a.m.)

24 (END OF PROCEEDINGS)

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TRANSCRIBER'S CERTIFICATE

I, Salena A. Hile, hereby certify that the foregoing pages numbered 02 through 09 are a true, accurate, and complete transcript of proceedings in Docket No.: R-24-002, transcribed under my direction from a copy of an electronic sound recording to the best of our knowledge and ability.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SALENA A. HILE, (Transcriber)



**From:** [Bee Long](#)  
**To:** [Coldiron, Samantha J \(OGC\)](#)  
**Subject:** Public Comment Draft Regulations for Carbon Storage and Underground Injection Wells  
**Date:** Thursday, December 11, 2025 8:55:43 PM

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You don't often get email from woodyfiber17@gmail.com. [Learn why this is important](#)

**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I support the requirement that a carbon dioxide well would not be permitted to contaminate drinking water aquifers. Wells would have to be tested and monitored for assurance.

I support that insurance or bonds be required to cover the costs of an accident.

I support the requirement that carbon dioxide wells be firmly capped when abandoned. The costs should be covered by the applicant and not public monies.

Please confirm receipt of these comments.

Becky Long  
Talkeetna AK

**THE ALASKA CENTER • ALASKA COMMUNITY ACTION ON TOXICS • ALASKA WILDERNESS LEAGUE • CENTER FOR BIOLOGICAL DIVERSITY • COOK INLETKEEPER • FAIRBANKS CLIMATE ACTION COALITION • NATIVE MOVEMENT • NORTHERN ALASKA ENVIRONMENTAL CENTER**

January 13, 2026

**RECEIVED**

By Samantha Coldiron at 1:26 pm, Jan 13, 2026

Samantha Coldiron, Special Assistant  
Alaska Oil and Gas Conservation Commission  
333 West 7th Avenue  
Anchorage, AK 99501

*Submitted via Alaska Online Public Notice System and email to [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov)*

**Re: Proposed changes to regulations in Title 20 Chapter 25 of the Alaska Administrative Code dealing with carbon storage as it relates to Class VI wells, and establishing a new Class VI Underground Injection Control program for Alaska**

Dear Ms. Coldiron:

The Alaska Center, Alaska Community Action on Toxics, Alaska Wilderness League, Center for Biological Diversity, Cook Inletkeeper, Fairbanks Climate Action Coalition, Native Movement, and Northern Alaska Environmental Center provide the following comments on the Alaska Oil and Gas Conservation Commission's "Notice of Proposed Changes on Carbon Storage and Underground Injection Control Class VI Wells in the Regulations of the Alaska Oil and Gas Conservation Commission."<sup>1</sup> We reiterate and incorporate by reference the scoping comments we previously submitted to Docket Number: R-24-002 concerning the Commission's intent to pursue Class VI primacy for carbon dioxide ("CO<sub>2</sub>") injection wells.<sup>2</sup>

As discussed in more detail below, we reiterate that the proposed regulatory changes intended to facilitate Class VI primacy for CO<sub>2</sub> injection wells in Alaska would needlessly burden the state's agencies and resources where the state's geology and geography is ill suited for carbon capture and storage ("CCS") projects and the Commission does not have adequate resources or expertise to assume the responsibility of Class VI primacy. For these reasons, we urge the Commission not to move forward with these regulatory changes in support of a Class VI primacy application.

**I. The Notice of Proposed Regulatory Changes Does Not Identify Future Funding Sources Necessary for Increased Technical Expertise and Implementation of a New Class VI Permitting Program.**

Appendix C-2, "Additional Regulation Notice Information," notes that the initial phases of the regulatory updates facilitating the Commission's application for Class VI primacy were

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<sup>1</sup> Alaska Oil and Gas Conservation Commission, *Notice of Proposed Changes on Carbon Storage and Underground Injection Control Class VI Wells in the Regulations of the Alaska Oil and Gas Conservation Commission* (Nov. 25, 2025), <https://www.commerce.alaska.gov/web/Portals/18/pub/Events/Public%20Hearings/2026/2026-01-13/2025200100%20Public%20Notice.pdf>.

<sup>2</sup> These comments are also attached here for the Commission's convenience.

funded under a 2025 federal grant.<sup>3</sup> However, the notice does not explain how the Commission will fund any future new Class VI permitting program (should EPA grant primacy) and the necessary expansion of technical expertise and inevitable increase in regulatory, oversight and enforcement of such a program. The 2023 fiscal analysis of the legislation which authorized these regulatory changes, HB 50, had noted:

The amount and timing of revenue to support operations is *not yet known*. In the first year's operations are funded from general funds. Revenues collected in the CSCTF [Carbon Storage Closure Trust Fund] will be used to support the costs of regulating the program incurred by the AOGCC starting in year 2 [i.e., 2025]. The amount of revenue to be collected in the fund is *not known* at this time but is anticipated to be sufficient to support annual operations. Revenue collections are shown in this note as equal to expenditures beginning in FY2025.<sup>4</sup>

Unfortunately, the current notice of regulatory changes does not update or expand upon this scant analysis, and leaves blank the sections of Appendix C-2 discussing “[c]ost of implementation to the state agency.”<sup>5</sup> Realistically, the state and Commission will require a significant investment and expenditure in increasing technical expertise in order to effectively implement any Class VI program, should EPA grant Alaska primacy.

Class VI permits are complex and highly technical, covering activities spanning decades, including pre-injection, injection, and post-injection. Typically, EPA takes nearly two years to review and issue a draft Class VI permit.<sup>6</sup> EPA's Class VI permit dashboard reflects this reality, showing that the agency has only issued four permits since the federal Class VI regulations became effective in 2011.<sup>7</sup>

In EPA's own words to Congress, “[geologic storage] is a complex process that is highly dependent on site-specific conditions; therefore, *a robust and comprehensive permit application and permit review process is fundamental* to preventing endangerment of [underground sources

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<sup>3</sup> Alaska Oil and Gas Conservation Commission, *Appendix C-2: Additional Regulation Notice Information* (Nov. 25, 2025), <https://www.commerce.alaska.gov/web/Portals/18/pub/Events/Public%20Hearings/2026/2026-01-13/2025200100%20Additional%20Regs%20Notice.pdf>.

<sup>4</sup> State of Alaska Department of Commerce, Community and Economic Development, *Fiscal Note: 2023 Legislative Session – Appropriation to Alaska Oil and Gas Conservation Commission for Carbon Storage, HB 50* (March 1, 2023), [https://www.akleg.gov/basis/get\\_documents.asp?session=33&docid=2159#:~:text=FISCAL%20NOTE%20ANALYSIS,space%20ownership%20for%20private%20parties](https://www.akleg.gov/basis/get_documents.asp?session=33&docid=2159#:~:text=FISCAL%20NOTE%20ANALYSIS,space%20ownership%20for%20private%20parties).

<sup>5</sup> *Appendix C-2, supra* n.3.

<sup>6</sup> White House Environmental Justice Advisory Council, *Carbon Management Recommendations, Report 2*, at 40 (2024) <https://www.epa.gov/system/files/documents/2024-10/whejac-carbon-management-recommendations-october-2024.pdf>

<sup>7</sup> Environmental Protection Agency, *Current Class VI Projects Under Review at EPA*, <https://www.epa.gov/uic/current-class-vi-projects-under-review-epa> (last accessed Jan. 7, 2025).

of drinking water] from these activities.”<sup>8</sup> EPA Region 9, for example, hires outside consultants and works with the U.S. Department of Energy’s National Energy Technology Lab to assist with its Class VI permit application review process.

The technical expertise to permit Class VI wells is distinct from oil and gas permitting. Compressed CO<sub>2</sub> is highly dangerous and has high corrosive potential. As noted by the Pipeline Safety Trust:

CO<sub>2</sub> pipelines are susceptible to ductile fractures, which can, like a zipper, open up and run down a significant length of the pipe, they can release immense amounts of CO<sub>2</sub>, hurl large sections of pipe, expel pipe shrapnel, and generate enormous craters. Water, notoriously difficult to eliminate from CO<sub>2</sub> pipelines, allows the formation of carbonic acid in the pipeline which has a ferocious appetite for carbon steel.<sup>9</sup>

The risks of corrosion and CO<sub>2</sub> leaks extend beyond pipelines to include injection wells. As noted earlier in this comment, the nation’s first-ever Class VI injection well was recently found to have been leaking CO<sub>2</sub> for years due to the corrosion of steel in the well.<sup>10</sup> The company had been using a type of steel called 13 Chrome; EPA has since warned project operators and the three states that have Class VI primacy about 13 Chrome.<sup>11</sup> EPA is now recommending that CCS companies use the more corrosion-resistant Super 25 Chrome, but 25 Chrome is both significantly more expensive and harder to obtain than 13 Chrome.<sup>12</sup> EPA regulations governing Class VI wells require that the CO<sub>2</sub> injection materials last for the lifetime of the project and be compatible with all fluids that they are likely to come into contact with.<sup>13</sup>

The need to bring in additional and new technical expertise in order to responsibly assume the review of Class VI permits, as well as the significant cost to do so, is a huge barrier for Alaska. Indeed, the state is reckoning with a financial crisis<sup>14</sup> and executive agencies have been under a statewide hiring freeze since May 2025.<sup>15</sup> The state government also continues to

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<sup>8</sup> Environmental Protection Agency, *EPA Report to Congress: Class VI Permitting* 19 (2022) (emphasis added), <https://www.epa.gov/system/files/documents/2022-11/EPA%20Class%20VI%20Permitting%20Report%20to%20Congress.pdf>.

<sup>9</sup> Richard B. Kuprewicz, *Accufacts’ Perspectives on the State of Federal Carbon Dioxide Transmission Pipeline Safety Regulations as it Relates to Carbon Capture, Utilization, and Sequestration within the U.S.*, prepared for the Pipeline Safety Trust (2022), <https://pstrust.org/wp-content/uploads/2022/03/3-23-22-Final-Accufacts-CO2-Pipeline-Report2.pdf>.

<sup>10</sup> Annie Snider & Ben Lefebvre, *Carbon Storage Projects Hit a Hurdle: Corroding Steel*, E&E NEWS (Oct. 9, 2024), <https://subscriber.politicopro.com/article/eenews/2024/10/09/carbon-storage-projects-hit-a-hurdle-corroding-steel-ee-00182889>.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* One ton of 25 Chrome can cost \$40 compared to \$7 a ton for 13 Chrome. Further, only one steel mill in the U.S. makes 25 Chrome, so the vast majority of the material is imported from mills in Asia, and lead times can be up to a year. *Id.*

<sup>13</sup> 40 C.F.R. §144.83; §144.84; §144.86.

<sup>14</sup> Alaska Legislative Finance Division, *The Fiscal Year 2025 Budget: Legislative Fiscal Analyst’s Overview of the Governor’s Request* 7 (2023), <https://www.legfin.akleg.gov/Overview/Overview2025.pdf>.

<sup>15</sup> Administrative Order No. 358, <https://gov.alaska.gov/admin-orders/administrative-order-no-358/>.

experience significant issues hiring and retaining employees, including in its payroll division, causing many of the state’s employees to be paid late or incorrectly.<sup>16</sup> This payroll issue has compounded other hiring difficulties, including causing the already-understaffed state ferry system to lose workers.<sup>17</sup> Another example of the state’s inability to effectively implement and carry out a relatively simple program is the recent fine of \$11.9 million imposed by the U.S. Department of Agriculture’s Food and Nutrition Service for the state’s failure to properly verify eligibility.<sup>18</sup> The state has also repeatedly struggled with backlogs in the Supplemental Nutrition Assistance Program and Heating Assistance Program applications, which have recently had backlogs of 12,000 and 2,000 applications, respectively.<sup>19</sup> While each of these examples relates to programs that are very different than reviewing Class VI permit applications, they demonstrate a pattern of inability to adequately administer relatively simple, albeit high volume, functions. It is irresponsible for the state to pursue authority to administer Class VI permitting decisions and taking on that responsibility without ensuring proper program oversight, technical expertise and implementation would jeopardize the health and safety of Alaska’s residents.

## **II. The Proposed Regulatory Changes Would Not Adequately Protect Underground Sources of Drinking Water.**

The proposed regulatory changes to 20 AAC 25.435, entitled “Identification of underground sources of drinking water,” would add language stating that new aquifer exemptions will not be issued for Class VI wells.<sup>20</sup> However, this protection is significantly limited by proposed regulatory amendments to 20 AAC 25.442, whereby an existing aquifer exemption for a Class II well can be expanded for the purpose of a Class VI well.<sup>21</sup> This reflects a trend observable throughout the Commission’s proposal of piggy-backing Class VI regulatory changes on existing Class II regulations without providing significant distinction between the different well types and their unique risks and characteristics. The Commission must ensure that any regulations dealing with Class VI wells reflect individualized analysis and standards which protect against the unique risks posed by wells with the intended use of long-term geologic storage of CO<sub>2</sub>.

Further, this proposed regulatory change effectively allows aquifer exemptions for new Class VI wells without any additional oversight, public input or analysis, creating a new and significant threat to underground sources of drinking water from Class VI wells. Should the state obtain primacy over Class VI wells, this would significantly reduce—and effectively eliminate—public involvement, participation and oversight in drinking water protection.

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<sup>16</sup> See, e.g., James Brooks, *Understaffing at Alaska State Payroll Department Causing Widespread Problems*, Alaska Beacon (Aug. 22, 2023), <https://alaskabeacon.com/2023/08/22/alaska-state-payroll-department-one-crisis-away-from-workers-going-unpaid/>.

<sup>17</sup> *Id.*

<sup>18</sup> Eric Stone, *USDA Fines Alaska \$11.9M for Failing to Ensure SNAP Recipients are Eligible*, Alaska Public Media (Jun. 28, 2024), <https://alaskapublic.org/2024/06/28/usda-fines-alaska-11-9-million-for-failing-to-ensure-snap-recipients-are-eligible/>.

<sup>19</sup> Claire Stremple, *State Lags in Heating Assistance Payments to Alaskans with Low Incomes, Catches up on Food Stamps*, Alaska Beacon (Mar. 5, 2024), <https://alaskabeacon.com/briefs/state-lags-in-heating-assistance-payments-to-alaskans-with-low-incomes-catches-up-on-food-stamps/>.

<sup>20</sup> <https://www.commerce.alaska.gov/web/Portals/18/pub/Events/Public%20Hearings/2026/2026-01-13/2025200100%20Public%20Notice.pdf>

<sup>21</sup> *Id.*

Under the existing EPA Class VI permitting program, the federal Safe Drinking Water Act (“SDWA”), which protects such underground sources of drinking water, allows for citizen suits against EPA if it violates any provisions of the statute.<sup>22</sup> While EPA may delegate primary enforcement authority, including for Class VI injection wells, it must ensure that state programs “contain minimum requirements for effective programs to prevent underground injection which endangers drinking water sources.”<sup>23</sup> Should the state obtain primacy over Class VI wells, Alaska’s fee shifting rule, which allows for unsuccessful plaintiffs to be forced to pay for the prevailing party’s fees in addition to their own, chills public interest litigation and is incompatible with the citizen enforcement provisions of the SDWA.<sup>24</sup> This issue could also lead to litigation over the state’s application, which would, at best, slow down and complicate the process; for example, litigation related to the SDWA and the enforcement provisions in Louisiana’s Class VI primacy framework is ongoing.<sup>25</sup>

### **III. The Proposed Regulatory Changes Should Establish Mandatory Triggers for Operators to Transition from Class II to Class VI Wells.**

The proposed regulatory changes to 20 AAC 25.444, entitled “Transitioning from a Class II well to a Class VI well”, would add requirements for when an operator of a Class II well must newly transition to and obtain a Class VI permit, such as “when the primary purpose is the long-term storage of carbon or there is an increased risk to underground sources of drinking water compared to Class II operations.”<sup>26</sup> Unfortunately, the proposed regulatory text does not establish mandatory triggers for when a well operator must undertake such a transition from a Class II well permit to a Class VI well permit. The proposed regulatory language explains that the onus is on the well owner or operator to evaluate whether any changes to the well purpose or risks to drinking water exist leaving the fox to guard the henhouse, since there is little to no incentive for well owners/operators to upgrade from less strict Class II permit conditions to a more protective Class VI permit.

Additionally, while the proposed regulatory changes establish factors that the Commission must evaluate when “determin[ing] when the primary purpose of injection is long-term carbon storage or there is an increased risk to underground sources of drinking water compared to Class II operations,” the regulations do not establish any mandatory trigger or obligation for the Commission to undertake any such analysis. Leaving this analysis to the Commission’s discretion effectively means that there is little, if any, incentive for the state to undertake this analysis, particularly because (should primacy be granted) the other mandatory obligations of a Class VI permitting program, limited staff resources, and lack of technical expertise will take precedence for the state’s already overburdened and under resourced regulatory agency.

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<sup>22</sup> 42 U.S.C. § 300j-8.

<sup>23</sup> *Id.* § 300h(b)(1).

<sup>24</sup> Alaska R. Civ. P. 82(b)(3)(F).

<sup>25</sup> *Deep South Center for Environmental Justice et al v. E.P.A.*, Case No. 24-60084 (5th Cir.) (pending).

<sup>26</sup> *Notice, supra* n.1, at 1.

Finally, the proposed regulatory changes establish no public oversight mechanism which would allow the public to seek to enforce an analysis of “when the primary purpose of injection is long-term carbon storage or there is an increased risk to underground sources of drinking water when compared to Class II operations.” Not only do the regulations not establish mandatory triggers for when a Class II permit must be transitioned to a Class VI permit but, as discussed above, the state’s fee shifting provisions effectively foreclose any citizen enforcement of such regulatory provisions.

**IV. Proposed Regulatory Changes in New Title 20, Chapter 25, Article 9, Entitled “Carbon Storage (20 AAC 25.1000 – 20 AAC 25.1900)” Do Not Reflect Best Safety, Monitoring, Emergency Response, Public Engagement and Fiscal Responsibility Practices.**

Specific concerns with proposed new Title 20, Chapter 25, Article 9, entitled “Carbon Storage (20 AAC 25.1000 – 20 AAC 25.1900)” are listed in the table below.

<b>Proposed Regulation</b>	<b>Concern</b>
20 AAC 25.1010. Prohibition of movement of fluid into underground sources of drinking water; emergency actions.	<ul style="list-style-type: none"> <li>- (b) If contaminants are found to be affecting an underground source of drinking water, the Commission should additionally <i>require</i> immediate cessation of operations while, not just additional requirements for “construction, corrective action, operation, monitoring, or reporting, including closure of the injection well”</li> <li>- (c) The requirement that the Commission “<i>may</i> take emergency action upon receipt of information that a contaminant which is present in or likely to enter a public water system or underground sources of drinking water may present an imminent and substantial endangerment to the health of persons” should be changed to a mandatory “<i>must</i>.”</li> </ul>
20 AAC 25.1060. Minimum criteria for siting.	<ul style="list-style-type: none"> <li>- (b) Permissive “<i>may</i>” should be changed to “<i>must</i>” for when the Commissions can require “the storage operator identify and characterize additional zones that will impede vertical fluid movement, are free of faults and fractures that may interfere with containment, allow for pressure dissipation”</li> </ul>
20 AAC 25.1070. Area of review; corrective action.	<ul style="list-style-type: none"> <li>- The proposed regulations should empower members of the public to provide input on the relevant area of review, and the proposed regulations should include specific additional and increased evaluation where there are vulnerable public infrastructure, homes, highways, etc. that could be impacted by any proposed Class VI well and association infrastructure (including pipelines).</li> </ul>
20 AAC 25.1100. Draft permit; fact sheet.	<ul style="list-style-type: none"> <li>- (b), (e), (f) The proposed regulations should make explicit that the public should have the opportunity to comment on any proposed permit approval or denial, and any such fact sheet for a proposed approval must be expeditiously made available to the public.</li> </ul>
20 AAC 25.1140. Schedule of compliance.	<ul style="list-style-type: none"> <li>- (b) In addition to “report[ing] any noncompliance which may endanger health or the environment” to the Commission, the storage operator should be required to make such information immediately available to the public.</li> </ul>

	<ul style="list-style-type: none"> <li>- (c)(13) Public notice for permit comment and hearing proceedings should additionally include direct outreach to members of the public living, working, or recreating within the area of review for the proposed permit</li> </ul>
20 AAC 25.1200. Financial responsibility	<ul style="list-style-type: none"> <li>- (d)(1)(D) The proposed regulations should <i>not</i> allow for the discharge of any financial assurances upon commencement of bankruptcy Chapter 11 reorganization proceedings. Such environmental cleanup or remediation obligations should be considered non-monetary mandatory regulatory obligations that are non-dischargeable during bankruptcy reorganization proceedings particularly because reorganization allows for the business to remerge from bankruptcy as a going concern which should be able to bear such obligations under the reorganized entity.</li> <li>- (g), (h) Financial mechanisms allowed to demonstrate financial responsibility should disallow blanket bonding for entities with more than one Class VI well permit, as well as owner/operator self-insurance. Numerous examples in the oil and gas well bonding context have demonstrated that such practices inevitably result in inadequate bond amounts for environmental cleanup and monitoring costs.<sup>27</sup></li> </ul>
20 AAC 25.1260. Emergency and remedial response.	<ul style="list-style-type: none"> <li>- Any emergency and remedial response plan must include proactive outreach to first-responders to inform of the unique vulnerabilities and risks to human health and safety which surround CO2 leakage – including but not limited to, CO2 flows to low-lying areas, effect on combustion engine rescue equipment, oxygen supplementation equipment, and any other unique hazards first responders may not be aware of concerning CO2 leakage.</li> </ul>
20 AAC 25.1310. Post-injection site care; site closure; monitoring timeline.	<ul style="list-style-type: none"> <li>- (b)(5), (g) The owner/operator should be responsible for post-injection site care and monitoring for at least 50 years, and such liability should not be transferred to the state at any time prior.</li> </ul>
20 AAC 25.1410. Modification, revocation and reissuance of permit.	<ul style="list-style-type: none"> <li>- The public should be given a mandatory right and opportunity to comment and engage in a hearing process for any modification, revocation and reissuance of a permit.</li> </ul>

<sup>27</sup> See, e.g., Fluid Mineral Leases and Leasing Process, 89 Fed. Reg. 30,916 (Apr. 23, 2024).

## V. Conclusion

Thank you for your careful consideration of our comments and concerns with the proposed changes to regulations in Title 20 Chapter 25 of the Alaska Administrative Code dealing with carbon storage as it relates to Class VI wells and establishing a new Class VI Underground Injection Control program for Alaska. Given the many problems associated with CCS and state-level primacy, we urge the Commission not to move forward with these regulatory changes in support of a Class VI primacy application. And if the Commission does still choose to move forward with these regulatory changes, we urge you to strengthen the proposed Class VI regulations to better protect Alaskans from the myriad risks associated with this undertaking. We thank you for considering these comments.

Sincerely,

Chantal de Alcuaz  
Co-Executive Director  
The Alaska Center

Pamela Miller  
Executive Director  
Alaska Community Action on Toxics

Maddie Halloran  
Alaska State Director  
Alaska Wilderness League

Marlee Goska  
Alaska Staff Attorney  
Center for Biological Diversity

Ben Boettger  
Energy Policy Analyst  
Cook Inletkeeper

Sarah Furman  
Co-Executive Director  
Fairbanks Climate Action Coalition

Amanda Bremner  
Action and Advocacy Director  
Native Movement

Kyrstal Lapp  
President  
Northern Alaska Environmental Center



January 13, 2026

**RECEIVED**

By Samantha Coldiron at 2:23 pm, Jan 13, 2026

Ms. Jessie Chmielowski  
Commissioner  
Alaska Oil and Gas Conservation Commission  
333 West Seventh Avenue  
Anchorage, AK 99501

Mr. Greg Wilson  
Commissioner  
Alaska Oil and Gas Conservation Commission  
333 West Seventh Avenue  
Anchorage, AK 99501

Dear Commissioners Chmielowski and Wilson,

Subject: Proposed changes to Title 20 Chapter 25 of the Alaska Administrative Code to adopt regulations for geologic carbon storage and establish a new Class VI Underground Injection Control program for the state of Alaska

The Energy & Environmental Research Center (EERC), a global leader in carbon capture, utilization, and storage (CCUS) research, development, demonstration, and commercialization, supports the adoption of the proposed rule changes by the Alaska Oil and Gas Conservation Commission (AOGCC). The EERC encourages the state of Alaska to proceed as expeditiously as possible to adopt these regulations so that the AOGCC can begin applying for and receiving Class VI primacy from the U.S. Environmental Protection Agency (EPA).

The state of Alaska, specifically AOGCC, is best positioned to regulate the geologic storage of carbon dioxide (CO<sub>2</sub>) in the state. The Alaska legislature has established the legal framework for geologic CO<sub>2</sub> storage, and this rulemaking is the next necessary step for the state to establish a complete and comprehensive regulatory framework that ensures protection of the environment while providing the CCUS industry with regulatory certainty.

The EERC-led Plains CO<sub>2</sub> Reduction (PCOR) Partnership, sponsored by the U.S. Department of Energy National Energy Technology Laboratory, the North Dakota Industrial Commission's Lignite Research Program and Oil and Gas Research Program, and many public and private partners, has conducted focused research into geologic CO<sub>2</sub> storage since 2003. In 2019, the EERC partnered with the University of Alaska Fairbanks Institute of Northern Engineering and the PCOR Partnership region was expanded from the North American Great Plains northwest to include the state of Alaska.

To support the state of Alaska, the EERC, through the PCOR Partnership, has reviewed the proposed rule changes to Title 20 Chapter 25 of the Alaska Administrative Code. We believe the requirements meet or exceed the EPA Underground Injection Control (UIC) Class VI program requirements in the protection of underground sources of drinking water (USDWs) and other resources. AOGCC has a long history of regulatory oversight and expertise in Alaska's geology, in the implementation of the UIC program, and in the protection of Alaska's natural environment including its USDWs.

Thank you for the opportunity to comment on the proposed rule changes and adoption of the Class VI UIC program for the state of Alaska. If you have any questions or need any additional information about these comments, please contact me by email at [kconnors@undeerc.org](mailto:kconnors@undeerc.org).

Sincerely,

Kevin C. Connors  
Assistant Director for Regulatory Compliance  
and Energy Policy  
PCOR Partnership Program Manager

KCC/jre

January 9, 2026

**Alaska Oil and Gas Conservation Commission**

333 West 7<sup>th</sup> Avenue  
Anchorage, Alaska 99501

**RECEIVED**

By Samantha Coldiron at 2:34 pm, Jan 09, 2026

**Submitted via [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov)**

**Subj: Santos Comments on AOGCC's Proposed Regulation Regarding Carbon Storage and Underground Injection Control Class VI Wells ("Class VI Program")**

To whom it may concern,

Oil Search (Alaska), LLC, a subsidiary of Santos Limited ("Santos"), appreciates the opportunity to provide comments on the Alaska Oil and Gas Conservation Commission's ("AOGCC") proposed regulations governing the Class VI Program. Since 2018, Santos has worked closely with the AOGCC, including the safe and successful permitting and drilling of seven exploration wells and 25 development wells. As a capable operator who strongly values AOGCC's experience with permitting wells in the State, Santos is supportive of AOGCC's pursuit of Class VI primacy and the State's overall efforts to develop reasonable carbon regulations to enable carbon management, sequestration, utilization, and storage in Alaska.

In Alaska, Santos is achieving our Pikka net-zero commitment by pursuing in-state carbon reduction and offset projects and has worked closely with Alaska Native Corporations to deliver carbon offsets. Santos views carbon capture and storage as another opportunity to deliver low carbon energy production. A reasonable and predictable carbon regulatory regime to implement both House Bill 50 ("HB 50") and Senate Bill 48 ("SB 48") from the 33<sup>rd</sup> Alaska State Legislature will make the State of Alaska a valuable partner to energy companies and attract additional business to the State of Alaska.

**About Santos**

Santos is a global energy company; it is one of Australia's largest domestic gas suppliers and a leading LNG supplier in the Asia Pacific region. In Alaska, Santos is the operator of the Pikka Project and one of the largest leaseholders on the North Slope, holding interest in more than 500 oil and gas leases, many of which are on State lands. Development of Phase 1 of the Pikka Project is currently underway, which will bring an anticipated contribution of 80,000 barrels of oil per day of throughput to the Trans Alaska Pipeline System (TAPS) beginning in 2026. The Pikka Project generates widespread benefits across the region and State. With first oil anticipated in early 2026, Santos sees the Pikka Project as the first step in its Alaska legacy. Moreover, the Pikka Project is one of the largest projects on State land in the last 20 years and it is the first oil project sanctioned in Alaska, and one of the first in the world, to be developed on a net-zero equity basis for Scope 1 and 2 emissions from first oil. Establishment of a reasonable Carbon Capture and Storage (CCS) framework and Class VI program is an important aspect of Santos' business goals and long-term investment plan for Alaska.

In addition to developing on a net-zero basis, Santos' vision is to be a leading global provider of CCS infrastructure, carbon management services, and low carbon fuels. Santos is actively participating in and leading efforts on CCS and other carbon management projects in Alaska and across the world. Santos has developed one of the world's largest and lowest cost CCS projects in Moomba, South Australia, which has the capacity to store up to 1.7 million tons of CO<sub>2</sub> each

year. This project achieved first injection September 2024 and by June 2025 had successfully stored 800,000 tonnes of CO<sub>2</sub>. Santos was the first in the world to book carbon storage capacity on our balance sheets. In Alaska, Santos and its partner ASRC Energy Services were selected for award of a CarbonSAFE grant from the Department of Energy to drill a stratigraphic well at the Pikka Unit to evaluate carbon storage opportunities and pursue Class VI permitting of that well. Across its business and the globe, Santos is working to supply affordable, reliable and lower carbon energy by decarbonizing its projects through design and technological innovation, while securing carbon offsets where decarbonization at source is not feasible. Santos recognizes that Alaska is not only a world class oil and gas province, it also has excellent potential for carbon management and storage.

Given Santos' experience and business objectives in Alaska, Santos offers the following suggestions to improve and refine AOGCC's Class VI Program.

## Comments

1. **Prior scoping comments** – Santos appreciates AOGCC's consideration of its comments provided during the scoping period and AOGCC's response to those comments. Particularly, Santos is pleased to see that AOGCC has assessed that CCS in areas of active and/or former oil and gas reservoirs requires careful consideration, but ultimately makes logical sense given existing infrastructure, available data, and other cost-efficiencies.
2. **20 AAC 25.435. Identification of underground source of drinking water** – AOGCC's draft regulations stipulate that AOGCC will not approve a new aquifer exemption for a Class VI well, but an expansion of an existing aquifer exemption can be issued. AOGCC should consider whether it makes logical sense to limit Class VI wells in this manner if the criteria is met for an exemption for other well types and development.
3. **20 AAC 25.1120(i). Conditions applicable to all permits** – Santos recommends AOGCC include "at reasonable times" to 20 AAC 25.1120 (i)(2). Entering a storage facility or area of ongoing operations must be done in a safe and secure manner.
4. **20 AAC 25.1180(e). Class VI well permit; authorization to inject** – AOGCC proposes that an authorization to inject shall expire 12 months from the date it is issued if the well has not been drilled or operated. This may not provide sufficient time for operators to start infield operations, particularly depending on seasonality, availability of infrastructure, funding, and other agreements. Moreover, a permit to drill for oil and gas allows for 24 months. Santos suggests AOGCC revise this requirement to be consistent with 20 AAC 25.005(g) or include language which would allow for an extension to be granted.
5. **20 AAC 25.1200. Financial responsibility** – AOGCC should consider how existing operators (which have already demonstrated their financial responsibility and qualification) will be considered, and perhaps, in those scenarios, how AOGCC may be able to create efficiency and eliminate duplicative processes and requirements. Santos notes that in the spirit of Administrative Order 360, Governor Dunleavy has directed all agencies to review and eliminate areas of duplicative and redundant requirements. With respect to financial responsibility requirements in the Class VI Program, AOGCC should include language in this framework that considers an operator's existing financial responsibility and qualification and any duplicative or similar requirements, particularly 11 AAC 84.1075.
6. **20 AAC 25.1210(c)(2). Class VI well construction requirements** – The requirement to cement to surface for Class VI wells is above and beyond what is required for oil and gas wells and could be difficult to achieve depending on the depth of the injection zone. While the draft regulations allow for approval of an alternative method of cementing, Santos suggests AOGCC instead require casing to the surface only when necessary.

# Santos

7. **20 AAC 25.1220(a)(1). Logging, sampling, and testing before Class VI well operations** – AOGCC should eliminate its requirement for drilling of a pilot hole for all Class VI wells. With proper and accurate wellbore placement, a pilot hole (that is later enlarged to the needed diameter) is unnecessary.
8. **20 AAC 25.1420(a). Termination of permit** – AOGCC should allow for an operator to correct any noncompliance prior to termination of a permit. Santos suggests that AOGCC revise 20 AAC 25.1420 to specify that termination may occur if the operator fails to correct the causes described in (a)(1)-(3).
9. **20 AAC 25.1900 (4). Definitions.** – Santos recommends that AOGCC also consider that U.S. 45Q credits are applicable to carbon dioxide and other carbon oxides in their regulations. Santos suggests that these definitions (between federal and state programs) be compatible and consistent.

## Conclusion

Santos supports the AOGCC's efforts to pursue Class VI primacy and develop a thorough and reasonable regulatory framework to achieve that aim. As a company, Santos is committed to being a global leader in decarbonization and low carbon fuels and to a net-zero emissions future. With operations in Alaska, Santos is actively engaged in carbon management throughout Alaska and is keenly interested in the State's development of carbon storage and other programs to meet its own net-zero targets and as a business opportunity. Santos offers the above comments in this spirit, with the ultimate aim of the AOGCC producing a robust, credible, and economic regulatory framework. If you have additional questions, please contact us at [Joe.Balash@santos.com](mailto:Joe.Balash@santos.com) or Kyle Kohman at [Kyle.Kohman@santos.com](mailto:Kyle.Kohman@santos.com).

Sincerely,



Joe Balash

**Senior Vice President – External Affairs**



**RECEIVED**  
By Samantha Coldiron at 3:02 pm, Jan 12, 2026

Supporting Salmon, Wildlife, and Community

January 8, 2026

The Alaska Oil and Gas Conservation Commission (AOGCC)  
333 West 7th Avenue  
Anchorage, AK 99501

Submitted electronically to: [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov)

Re: Carbon Storage Facility Regulations/Class VI Primacy Regulations

Dear Commissioners,

I am writing on behalf of the Susitna River Coalition (SRC), a watershed-health organization representing thousands of Alaskan residents, groups, and businesses. SRC works with residents, landowners, and community organizations throughout the Susitna Basin and surrounding regions, many of whom rely on private wells and local surface and groundwater systems for daily needs.

Alaska's watersheds remain among the most intact in North America, and their protection is central to public health, long-term economic resilience, and community well-being. While SRC recognizes that carbon storage may be considered as part of broader climate and energy strategies, we believe that any regulatory framework governing Class VI wells must place primary emphasis on the State of Alaska going beyond minimum requirements for protecting underground sources of drinking water (USDWs), maintaining public confidence in regulatory oversight, and ensuring long-term fiscal responsibility.

### **Expansion of Aquifer Exemptions and Long-Term Water Supply Considerations**

From a watershed stewardship perspective, SRC is concerned about the expansion of aquifer exemptions to accommodate Class VI storage. Alaska's proposed rules allow operators to request expansions of existing exemptions for formations that meet certain criteria, including total dissolved solids thresholds and current non-use as drinking water sources.

Communities across Alaska have experienced shifts in water demand as populations change, climate conditions evolve, and treatment technologies improve. Aquifers that are not currently used for drinking water may become important future resources. Permanently exempting such formations based on present conditions risks limiting future options for communities. SRC recommends that aquifer exemption expansions be treated as exceptional actions subject to heightened scrutiny and long-term stewardship considerations to preserve flexibility for future

water needs. Alaska's hydrologic systems are shaped by permafrost dynamics, extreme seasonal variability, and limited baseline data in many regions. Regulatory frameworks developed for temperate climates with dense monitoring networks may not fully account for these conditions.

SRC encourages the development of Alaska-specific implementation standards that include, at a minimum: (1) explicit consideration of permafrost stability and freeze-thaw impacts on well integrity; (2) enhanced baseline characterization requirements where data gaps exist; and (3) monitoring and modeling approaches designed to account for seasonal hydrologic variability. These standards should be developed transparently, informed by Alaska-based expertise, and incorporated into permitting and oversight before large-scale CO<sub>2</sub> storage projects are authorized.

## **Waivers of Class VI Construction Standards for Class II Conversions**

The Safe Drinking Water Act is fundamentally centered on preventing endangerment of USDWs. Alaska's proposed regulations would grant AOGCC broad discretionary authority to waive Class VI construction, testing, and pre-operational requirements when converting existing Class II wells.

Under 20 AAC 25.1025 and 20 AAC 25.1210(e), the Commission may waive casing, cementing, logging, sampling, and testing requirements if it determines that a converted well will not endanger USDWs. While federal regulations allow operators to demonstrate protection of USDWs, they do not provide an equivalent pathway for broad exemptions from modern Class VI standards. Given the long-term nature of CO<sub>2</sub> storage and the difficulty of remediating subsurface failures, SRC encourages a conservative approach that limits waivers and prioritizes full compliance with current construction and testing standards wherever practicable. This approach reflects standard engineering practice for long-term subsurface containment and provides greater assurance of protection for drinking water resources over the life of the project.

## **Long-Term Liability and Fiscal Responsibility**

Class VI financial assurance and post-injection site care periods, typically on the order of 50 years, cover only a small portion of the timeframe over which CO<sub>2</sub> must remain securely stored. While Alaska's proposed rules mirror federal requirements, neither framework fully resolves responsibility for potential impacts to USDWs beyond the formal monitoring period. This creates an unresolved long-term liability gap that could ultimately fall to future public authorities. From a fiscal responsibility standpoint, SRC believes it is important for regulators to explicitly acknowledge and address this risk rather than relying solely on minimum compliance with federal timelines.

Watershed health is measured over decades and generations. For example, watershed monitoring programs in Alaska commonly rely on decades of stream gauge records combined with recurring water-quality sampling to identify slow shifts in groundwater-surface water interactions. In some cases, early signs of change, such as subtle increases in dissolved constituents or altered seasonal flow timing, were not evident within the first several decades of monitoring but became clear only after long-term trend analysis. This type of experience illustrates why a 50-year

post-injection monitoring period may be insufficient to detect delayed or cumulative impacts to USDWs associated with long-term CO<sub>2</sub> storage.

While the proposed post-injection monitoring period meets federal minimums of just 50 years, SRC encourages regulators to consider monitoring approaches that reflect the multigenerational nature of groundwater protection. Watersheds function as integrated systems. SRC's experience indicates that multiple activities, each compliant on its own, can collectively stress groundwater resources. Requiring cumulative impact assessments that account for existing stressors and reasonably foreseeable activities would provide a more complete understanding of potential risks to USDWs.

We often hear that Alaska has gold-standard environmental protections. Carbon capture and storage is a new and emerging technology where regulatory frameworks are still being developed nationwide. Alaska has an opportunity to lead the way by establishing protections that match the multigenerational timeframe of geological storage. We present the following recommendations.

First, Alaska should adopt performance-based criteria for concluding post-injection site care, rather than relying solely on a fixed time period. Operators should demonstrate through monitoring data that the CO<sub>2</sub> plume has stabilized, pressure has equilibrated, and no migration toward USDWs is occurring—with the 50-year period serving as a minimum, not an automatic endpoint.

Second, Alaska should require operators to fund a perpetual monitoring endowment, sized to generate sufficient annual returns to conduct groundwater monitoring indefinitely. This model—successfully used for landfill post-closure care and mine reclamation—ensures that monitoring continues regardless of corporate ownership changes, bankruptcy, or the passage of time. The endowment principal would remain intact while investment returns fund ongoing stewardship.

Third, Alaska should establish a community-based groundwater monitoring program for areas near Class VI facilities. Funded by operator fees and designed to extend beyond formal site care, this program would train and compensate local residents to conduct ongoing water quality monitoring. This approach builds local capacity, creates early warning systems rooted in the communities most affected, and reflects the kind of multigenerational stewardship that Alaska's watersheds require.

## **Governance, Enforcement, and Technical Capacity**

Effective Class VI oversight requires sustained technical expertise, consistent enforcement, and the ability to respond rapidly to emerging risks. While AOGCC has extensive experience regulating oil and gas operations, underground CO<sub>2</sub> storage presents distinct challenges, including long-term plume modeling, geochemical interactions, and monitoring requirements that extend well beyond typical oil and gas project lifecycles. Developing and maintaining this specialized capacity would require significant investment in staffing, training, and analytical tools. Retaining EPA oversight may provide greater regulatory continuity and technical specialization while reducing pressure on an already strained state budget.

Before transferring full primacy, SRC encourages consideration of a phased or hybrid oversight model that retains EPA involvement during an initial transition period. At a minimum, the State should clearly demonstrate how technical capacity will be built and maintained, how enforcement will be resourced over the full life of Class VI projects, and how the program will be funded without compromising other regulatory responsibilities. Retaining EPA oversight, either fully or in partnership, may provide greater regulatory continuity and technical specialization while reducing risk to drinking water resources during program maturation.

## **Public Participation**

SRC's work with watershed-dependent communities has shown that meaningful public participation requires sufficient time, accessible information, and direct notification to those most affected. Rural residents and private well users often need additional time to review technical materials and consult with neighbors and local experts.

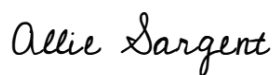
Direct notification to private well owners within the Area of Review is particularly important. These residents are frequently the first to observe changes in water quality and should have the opportunity to establish baseline conditions and participate in decision-making processes. Incorporating local hydrologic knowledge strengthens regulatory outcomes and supports public confidence. SRC recommends that budget considerations include funds available to nearby well owners for continued water quality testing.

## **Conclusion**

SRC encourages the Commission to take a conservative and Alaska-specific approach as it finalizes the Class VI regulatory framework and considers primacy. In particular, SRC urges careful limitation of discretionary waivers, heightened scrutiny of aquifer exemption expansions, and thoughtful attention to the long-term liability and monitoring gaps that extend beyond minimum federal timelines. We also encourage the Commission to ensure that adequate technical capacity, enforcement resources, and funding mechanisms are in place for the full lifecycle of Class VI projects, and that public participation processes meaningfully include private well users and other directly affected residents.

Protecting underground sources of drinking water is the core legal purpose of the Class VI program and a responsibility that necessarily spans generations. SRC appreciates the Commission's consideration of these comments and looks forward to continued engagement as AOGCC evaluates how best to safeguard Alaska's water resources while assessing the role of carbon storage in the state.

Sincerely,



Allie Sargent  
Energy Coordinator, Susitna River Coalition



January 12, 2026

Ms. Jessie Chmielowski  
Commissioner  
Alaska Oil and Gas Conservation Commission  
333 West Seventh Avenue  
Anchorage, AK 99501

Mr. Greg Wilson  
Commissioner  
Alaska Oil and Gas Conservation Commission  
333 West Seventh Avenue  
Anchorage, AK 99501

Dear Commissioners Chmielowski and Wilson

Subject: Alaska Oil and Gas Conservation Commission UIC Class VI Wells Proposed  
Regulation Changes

The Alaska Railbelt Carbon Capture and Storage (ARCCS) project is a study funded by the U.S. Department of Energy through its CarbonSAFE program and by the State of Alaska. The project evaluates the storage capacity and technical feasibility of permanently storing carbon dioxide (CO<sub>2</sub>) deep underground in the northwestern Cook Inlet region. Specifically, ARCCS is screening deep geologic formations, including depleted natural gas reservoirs and adjacent deep saline aquifer formations near the Beluga River Field, for their potential as commercial-scale CO<sub>2</sub> storage sites. While the evaluated storage capacity is not currently dedicated to a specific project, ARCCS is also assessing potential CO<sub>2</sub> pipeline transportation routes from a proposed Terra Energy Center biomass–coal power plant in the West Susitna area and from two existing Chugach Electric Association natural gas–fired power plants in Anchorage.

The ARCCS project team is led by the University of Alaska Fairbanks Institute of Northern Engineering in partnership with the University of North Dakota's Energy and Environmental Research Center (EERC), Advanced Resources International (ARI), Belowich Coal Consulting, Explor Geoscience USA, Friends of West Susitna, Northern Land Use Research Alaska, the State of Alaska Division of Geological and Geophysical Services and Division of Oil and Gas, Terra Energy Center, as well as industry partners and state and local community organizations.

As part of the ARCCS project, the project team has reviewed the proposed regulatory changes to Title 20, Chapter 25 of the Alaska Administrative Code and believes the proposed rules meet or exceed the stringency of the federal Underground Injection Control (UIC) Class VI regulations. The project team also supports the flexibility incorporated into the proposed regulations, which appropriately mirror the federal regulatory framework with respect to Area of Review (AOR) delineation methodologies.

Furthermore, as allowed under both the proposed Alaska regulations and the corresponding federal UIC Class VI regulations, the project team recommends that the Alaska Oil and Gas Conservation Commission (AOGCC) accept AOR delineations developed using the methodologies outlined in the U.S.

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Environmental Protection Agency’s 2013 guidance document entitled Underground Injection Control (UIC) Program Class VI Well Area of Review Evaluation and Corrective Action Guidance. This includes, as explicitly stated in the guidance, the use of “more sophisticated methods than the analytical equations described” in cases involving over-pressured reservoirs.

One such example is the risk-based Area of Review methodology developed by the EERC through its Plains CO<sub>2</sub> Reduction (PCOR) Partnership. This methodology is described in Burton-Kelly et al. (2021) and has been successfully used to support the approval of nine UIC Class VI CO<sub>2</sub> storage projects to date. Both the 2013 EPA guidance document and Burton-Kelly et al. (2021) are included as attachments to this letter for reference. For reference, projects successfully employing the risk-based Area of Review methodology are shown in Table 1.

<b>Applicant Name</b>	<b>Storage Facility (ND) / Project Name (WY)</b>	<b>Case No. (ND) / Permit No. (WY)</b>
<b>Blue Flint Sequester Co.</b>	Blue Flint Underwood Broom Creek Storage Facility #1, ND	29888
<b>Dakota Gasification Co.</b>	DGC Beulah Broom Creek Storage Facility #1, ND	29450
<b>DCC East</b>	Minnkota Center MRYS Broom Creek Storage Facility #1, ND	29029
<b>DCC West</b>	DCC West Center Broom Creek Storage Facility #1, ND	30122
<b>Summit Carbon Storage #1</b>	TB Leingang Broom Creek Storage Facility #1, ND	30869
<b>Summit Carbon Storage #2</b>	BK Fischer Broom Creek Storage Facility #1, ND	30873
<b>Summit Carbon Storage #3</b>	KJ Hintz Broom Creek Storage Facility #1, ND	30877
<b>Tallgrass</b>	Eastern Wyoming Sequestration Hub (Juniper), WY	2024-0911
<b>Tallgrass</b>	Eastern Wyoming Sequestration Hub (Azalea, Barberry, Cypress, Old Barberry, Spirea), WY	2024-1030

**Table 1: Approved UIC Class VI Projects That Have Used Risk-Based AOR Approach**

Thank you for the opportunity to comment on the proposed UIC Class VI wells regulation changes for the State of Alaska. If you have any questions or need any additional information about these comments, please contact me by email at [FPaskvan@alaska.edu](mailto:FPaskvan@alaska.edu).

Sincerely,

  
Frank Paskvan

Affiliate Professor  
University of Alaska Fairbanks  
College of Engineering and Mines  
Institute of Northern Engineering

March 3, 2026

AOGCC Response to Comments on Proposed CCUS Regulations

**AOGCC Response to Comments on Proposed CCUS Regulations**

Comments (available at: <https://www.commerce.alaska.gov/web/aogcc/> ) received from:

1. Becky Long – Private Citizen, no affiliation listed (December 11, 2025)
2. Santos – Oil Search (Alaska) LLC (January 9, 2026)
3. University Alaska Fairbanks -The Alaska Railbelt Carbon Capture and Storage (ARCCS) project (January 12, 2026)
4. Susitna River Coalition (January 8, 2026)
5. Energy & Environmental Research Center (EERC) (January 13, 2026)
6. Center for Biological Diversity - The Alaska Center, Alaska Community Action on Toxics, Alaska Wilderness League, Cook Inletkeeper, Fairbanks Climate Action Coalition, Native Movement, and Northern Alaska Environmental Center (January 13, 2026)

<b>Topic/Regulation</b>	<b>Commenter</b>	<b>Comment</b>	<b>AOGCC Response</b>
General	Becky Long	I support the requirement that a carbon dioxide well would not be permitted to contaminate drinking water aquifers. Wells would have to be tested and monitored for assurance. I support that insurance or bonds be required to cover the costs of an accident. I support the requirement that carbon dioxide wells be firmly capped when abandoned. The costs should be covered by the applicant and not public monies	AOGCC thanks you for participating and providing comments. The goal of these regulations is to be as stringent as the federal code in their requirements for Class VI wells and to obtain Class VI primacy from EPA. The fundamental Underground Injection Control program responsibility is protection of freshwater aquifers. This is achieved through site selection including an area of review and potentially remediation of existing wells, well construction, zonal isolation assurance, well testing and pressure monitoring, plume migration modelling, inspection and reporting. Additionally, financial assurance (bonding) requirements cover all stages of the project including well and facility abandonment.

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			The program as codified by Alaska Statute and AOGCC regulation is designed to be industry funded through fees and injection surcharges, and not by public monies.
Prior scoping comments	Santos	Santos appreciates AOGCC’s consideration of its comments provided during the scoping period and AOGCC’s response to those comments. Particularly, Santos is pleased to see that AOGCC has assessed that CCS in areas of active and/or former oil and gas reservoirs requires careful consideration, but ultimately makes logical sense given existing infrastructure, available data, and other cost-efficiencies.	The AOGCC agrees that carbon storage is appropriate for the state, including in active or former oil and gas reservoirs and also agrees that the proposed regulations implement the needed standards for careful consideration of appropriate siting.
20 AAC 25.435. Identification of underground source of drinking water	Santos	AOGCC’s draft regulations stipulate that AOGCC will not approve a new aquifer exemption for a Class VI well, but an expansion of an existing aquifer exemption can be issued. AOGCC should consider whether it makes logical sense to limit Class VI wells in this manner if the criteria is met for an exemption for other well types and development.	To be approved for primacy to regulate Class VI wells, the state regulations must be at least as stringent as the federal regulations under 40 C.F.R. Part 146, Subpart H, Criteria and Standards applicable to Class VI wells (Other federal regulation stringency standards must also be met, see, 40 CFR 146.1, Subpart A). The federal rules allow expansion of the areal extent of an existing Class II aquifer exemption for Class VI wells, but do not allow for new aquifer exemptions for Class VI wells (40 C.F.R. 144.7(a) and (d)).  In addition, 20 AAC 25.442 allows for expansion to the areal extent of an existing Class II aquifer exemption; this allows owners or operators of a

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			<p>Class II well to request an extension of the areal extent of an existing aquifer for the purpose of Class VI injection for carbon storage. Since the AOGCC regulation must be at least as stringent as the federal rules to obtain primacy, the commission declines to make the revision suggested. The AOGCC believes that the regulations as written will allow for adequate expansions of the areal extent of an existing aquifer for the underground carbon storage program.</p>
<p>20 AAC 25.1120(i). Conditions applicable to all permits</p>	<p>Santos</p>	<p>Santos recommends AOGCC include “at reasonable times” to 20 AAC 25.1120 (i)(2). Entering a storage facility or area of ongoing operations must be done in a safe and secure manner.</p>	<p>The AOGCC believes 20 AAC 25.1120(i) as written accommodates the commentor’s request. 20 AAC 25.1120(i)(1) establishes the general authority to enter a storage facility or record premises, while the details of inspection in (j)(2) - (4) state that inspection of records, inspections, or sampling or monitoring will occur at “reasonable times.” 20 AAC 25.1120 is at least as stringent than the federal rule on conditions applicable to all permits ( 40 CFR 144.51(i)). “Reasonable times” is included in AOGCC regulations where this is found in the federal rules, and the AOGCC declines to make any changes to 20 AAC 25.1120 (i).</p> <p>AOGCC agrees that the safety and security of operator and AOGCC staff during site inspections must be maintained and is confident that the proposed regulations accomplish that goal.</p>
<p>20 AAC 25.1180(e). Class VI well permit;</p>	<p>Santos</p>	<p>AOGCC proposes that an authorization to inject shall expire 12 months from the date it is issued if</p>	<p>The AOGCC appreciates this suggestion and will consider changing 20 AAC 25.1180 (e) to allow for an extension of the 12-month period for an</p>

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<p>authorization to inject</p>		<p>the well has not been drilled or operated. This may not provide sufficient time for operators to start infield operations, particularly depending on seasonality, availability of infrastructure, funding, and other agreements. Moreover, a permit to drill for oil and gas allows for 24 months. Santos suggests AOGCC revise this requirement to be consistent with 20 AAC 25.005(g) or include language which would allow for an extension to be granted.</p>	<p>authorization to inject. This change does not affect stringency for the purpose of primacy.</p>
<p>20 AAC 25.1200. Financial responsibility</p>	<p>Santos</p>	<p>AOGCC should consider how existing operators (which have already demonstrated their financial responsibility and qualification) will be considered, and perhaps, in those scenarios, how AOGCC may be able to create efficiency and eliminate duplicative processes and requirements. Santos notes that in the spirit of Administrative Order 360, Governor Dunleavy has directed all agencies to review and eliminate areas of duplicative and redundant requirements. With respect to financial responsibility requirements in the Class VI Program, AOGCC should include language in this framework that considers an</p>	<p>20 AAC 25.1200 establishes financial responsibility requirements sufficient to protect underground sources of drinking water and to cover costs associated with carbon storage, including corrective action, Class VI well plugging, post injection site care and closure, and emergency and remedial response. This regulation is as stringent as the federal rule (40 CFR 146.85), but not more so and the commission declines to change the financial responsibility requirements established in 20 AAC 25.1200. The AOGCC believes the regulation as written provides the needed assurance for protection of environmental and public health.</p> <p>The AOGCC agrees with the suggestion to consider where there may be duplicative or redundant requirements, but within the restriction, to achieve primacy for regulation of Class VI wells, the AOGCC</p>

		<p>operator’s existing financial responsibility and qualification and any duplicative or similar requirements, particularly 11 AAC 84.1075.</p>	<p>regulations must be at least as stringent as the federal rules as well as comply with Alaska state statutes.</p> <p>The AOGCC notes that financial responsibility for the Class II program is achieved through bonding regulation at 20 AAC 25.025, while the Class VI program requires additional financial assurance instruments due to more stringent construction, monitoring, and closure requirements.</p> <p>The AOGCC works with all surface and subsurface rights owners; these owners have different levels of financial assurance and different requirements for such assurance. The regulation referred to, 11 AAC 84.1075, was adopted by the Department of Natural Resources to require surety bonds for carbon exploration. Under 11 AAC 84.1075(g), a surety bond may be released if the factors in 11 AAC 84.1075 (h) (1) - (3) are met. 11 AAC 84.1075 is not an AOGCC regulation, and other than pointing it out, the AOGCC is the not primary interpreter of this regulation.</p> <p>AOGCC will work with a carbon storage facility operator to provide transparency on what AOGCC financial assurance is provided so that a landowner (e.g. ADNR) could potentially reduce duplicative or similar requirements.</p>
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<p>20 AAC 25.1210(c)(2). Class VI well construction requirements</p>	<p>Santos</p>	<p>The requirement to cement to surface for Class VI wells is above and beyond what is required for oil and gas wells and could be difficult to achieve depending on the depth of the injection zone. While the draft regulations allow for approval of an alternative method of cementing, Santos suggests AOGCC instead require casing to the surface only when necessary.</p>	<p>Existing AOGCC regulations for oil and gas wells have extensive casing and cementing requirements detailed at 20 AAC 25.030. The AOGCC recognizes that Class VI wells have requirements that may be more stringent than those that apply to Class II wells.</p> <p>20 AAC 25.1210(c)(2) implements construction requirements for Class VI wells and is drafted to be as stringent than the federal rule (40 CFR 146.86).</p> <p>Accordingly, 20 AAC 25.1210 (c)(2) requires “at least one long string casing, using a sufficient number of centralizers, must extend to the injection zone and must be cemented by circulating cement to the surface in one or more stages.” 20 AAC 25.1210(c)(3) allows for the commission to approve an “alternate method of cementing in cases where the cement cannot be recirculated to the surface”. This appears to address the concern raised by the commenter, and the AOGCC declines to change the proposed regulation.</p>
<p>20 AAC 25.1220(a)(1). Logging, sampling, and testing before</p>	<p>Santos</p>	<p>AOGCC should eliminate its requirement for drilling of a pilot hole for all Class VI wells. With proper and accurate wellbore placement, a pilot</p>	<p>20 AAC 25.1220 is drafted to be at least as stringent, as the federal rule (40 CFR 146.87). AOGCC does not believe that 20 AAC 12.1220(a)(1) nor 40 CFR 146.87(a)(1) requires the drilling of a pilot hole. If a</p>

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<p>Class VI well operations</p>		<p>hole (that is later enlarged to the needed diameter) is unnecessary.</p>	<p>pilot hole is appropriate because of unknown site-specific conditions such as coring, formation identification, or well control, and is drilled, the operator must perform adequate deviation checks on the pilot hole. To support AOGCC’s position, we refer the commenter to the EPA issued Guidance EPA 816-R-11-020 which is available at <a href="https://www.epa.gov/uic/final-class-vi-guidance-documents">https://www.epa.gov/uic/final-class-vi-guidance-documents</a> . EPA 816-R-11-020 Section 2.2.3 in part states “In many cases, a smaller-diameter pilot hole will be drilled prior to construction of the injection well...” AOGCC interprets the EPA guidance to be that if a pilot hole is drilled, the pilot hole must be compared against the final enlarged borehole and any divergence (creation of two holes) must be remediated, generally by cement, to ensure no unplanned pathway to fluid movement. 20 AAC 25.1220 (a) requires an operator to run "appropriate logs, surveys, and tests." As the commenter notes, and AOGCC agrees, a pilot hole is not needed simply for directional control - as currently available drilling practices and logging tools (such as periodic deviation surveys or logging while drilling (LWD)) can efficiently and accurately determine wellbore placement.</p>
<p>20 AAC 25.1420(a). Termination of permit</p>	<p>Santos</p>	<p>AOGCC should allow for an operator to correct any noncompliance prior to termination of a permit. Santos suggests that AOGCC revise 20 AAC</p>	<p>The process for termination of a permit in 20 AAC 25.1420 mirrors the federal rule (40 CFR 144.40) and is as stringent as the federal rule. The AOGCC recognizes the commenter’s concern and notes that</p>

		<p>25.1420 to specify that termination may occur if the operator fails to correct the causes described in (a)(1)-(3).</p>	<p>the factors for termination are clear and designed to ensure compliance with all permit requirements (permits may be terminated for “noncompliance” 20 AAC 25.1420(a)(1)) and protection of human health and the environment. Further, 20 AAC 25.1140 provides a process for notification of non-compliance, and for the storage operator to detail how it plans to address noncompliance.</p> <p>Termination requires issuance of a notice of intent to terminate, and significant public process. The AOGCC believes that the regulation as written provides adequate protections to a storage operator before a permit may be terminated and declines to make any changes to the regulation as proposed.</p>
<p>20 AAC 25.1900 (4). Definitions.</p>	<p>Santos</p>	<p>Definitions. – Santos recommends that AOGCC also consider that U.S. 45Q credits are applicable to carbon dioxide and other carbon oxides in their regulations. Santos suggests that these definitions (between federal and state programs) be compatible and consistent.</p>	<p>AOGCC’s proposed regulatory definition of carbon dioxide adopts the definition contained in Alaska statute at AS 41.06.210, complies with AS 41.06.115, and AOGCC declines to modify it in regulation. Moreover, throughout the AOGCC regulations and specifically for a storage facility permit at 20 AAC 25.1080(a)(7)(A), (C), and (D) the regulations speak of a carbon dioxide stream which, if compatible, could include other carbon oxides. “Carbon dioxide stream” is defined at 20 AAC 25.1900(6) to include carbon dioxide captured from an emission source, and incidental substances. Together these definitions provide a consistent and compatible definition of carbon dioxide and any associated stream.</p>

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General	UAF	As part of the ARCCS project, the project team has reviewed the proposed regulatory changes to Title 20, Chapter 25 of the Alaska Administrative Code and believes the proposed rules meet or exceed the stringency of the federal Underground Injection Control (UIC) Class VI regulations.	The AOGCC agrees with this comment.
Area Of Review	UAF	The project team also supports the flexibility incorporated into the proposed regulations, which appropriately mirror the federal regulatory framework with respect to Area of Review (AOR) delineation methodologies. Furthermore, as allowed under both the proposed Alaska regulations and the corresponding federal UIC Class VI regulations, the project team recommends that the Alaska Oil and Gas Conservation Commission (AOGCC) accept AOR delineations developed using the methodologies outlined in the U.S. Environmental Protection Agency's 2013 guidance document entitled Underground Injection Control (UIC) Program Class VI Well Area of Review Evaluation and Corrective Action Guidance. This includes, as explicitly	20 AAC 25.1070 establishes the area of review and corrective action standards required in 40 CFR 146.84. AOGCC regulations are designed to be as stringent as the federal code to achieve primacy and believes the proposed language establishes robust and meaningful area of review and corrective action standards. AOGCC believes risk-based AOR methodology for over-pressured reservoirs has significant opportunity for application in Alaska. AOGCC appreciates the information provided, the examples of projects utilizing this methodology, and accompanying reference information. AOGCC agrees that the EPA guidance allows for site specific flexibility as knowledge is built around use of new methodologies.

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		<p>stated in the guidance, the use of "more sophisticated methods than the analytical equations described" in cases involving over-pressured reservoirs.</p>	
<p>General</p>	<p>Susitna River Coalition</p>	<p>Alaska’s watersheds remain among the most intact in North America, and their protection is central to public health, long-term economic resilience, and community well-being. While SRC recognizes that carbon storage may be considered as part of broader climate and energy strategies, we believe that any regulatory framework governing Class VI wells must place primary emphasis on the State of Alaska going beyond minimum requirements for protecting underground sources of drinking water (USDWs), maintaining public confidence in regulatory oversight, and ensuring long-term fiscal responsibility</p>	<p>A primary driver for the UIC program is the protection of underground sources of drinking water (USDW). The AOGCC takes this mission to protect underground sources of drinking water seriously, and the proposed regulations reflect that. To achieve Class VI primacy, the AOGCC regulations must be at least as stringent as the federal code. The regulations were drafted to be at least as stringent as the federal code, and as stringent as required to implement a protective program for Alaska. The AOGCC believes that the regulations provide robust regulatory oversight from development, planning, construction, monitoring, and closure to protect underground sources of drinking water.</p>
<p>Expansion of Aquifer Exemptions and Long-Term Water Supply Considerations</p>	<p>Susitna River Coalition</p>	<p>From a watershed stewardship perspective, SRC is concerned about the expansion of aquifer exemptions to accommodate Class VI storage. Alaska’s proposed rules allow operators to request expansions of existing exemptions for formations</p>	<p>The AOGCC regulations mirror the federal code standards for aquifer exemptions and expansion of Class II aquifer exemptions for Class VI permitting purposes. The AOGCC considered these sections extensively and is comfortable that the standards for protection of underground sources of drinking water, including the standards for expansion to the</p>

		that meet certain criteria, including total dissolved solids thresholds and current non-use as drinking water sources.	areal extent of an existing Class II aquifer exemption, will protect underground sources of drinking water.
Expansion of Aquifer Exemptions and Long-Term Water Supply Considerations	Susitna River Coalition	SRC encourages the development of Alaska-specific implementation standards that include, at a minimum: (1) explicit consideration of permafrost stability and freeze-thaw impacts on well integrity; (2) enhanced baseline characterization requirements where data gaps exist; and (3) monitoring and modeling approaches designed to account for seasonal hydrologic variability. These standards should be developed transparently, informed by Alaska-based expertise, and incorporated into permitting and oversight before large-scale CO <sub>2</sub> storage projects are authorized.	These suggestions and considerations are within the scope of the regulatory framework for the Class II and Class VI programs and are considered on a case-by-case basis. The AOGCC believes the regulations provide the AOGCC with the authority and flexibility throughout the process to implement good engineering practices learned from oil and gas operations in arctic conditions. This includes regulatory standards in 20 AAC 25.1010 (prohibition of movement into underground sources of drinking water), 20 AAC 25.1060 (minimum criteria for siting), 20 AAC 25.1070 (area of review and corrective action), 20 AAC 25.1120 (conditions applicable to all permits), 20 AAC 25.1180 (Class VI well permit; authorization to inject), and 20 AAC 15.1210 (Class VI well construction requirements).
Waivers of Class VI Construction Standards for Class II Conversions 20 AAC 25.1025 and 20 AAC 25.1210(e),	Susitna River Coalition	The Safe Drinking Water Act is fundamentally centered on preventing endangerment of USDWs. Alaska’s proposed regulations would grant AOGCC broad discretionary authority to waive Class VI construction, testing, and pre-operational requirements when converting existing Class II wells. Under 20 AAC 25.1025 and 20 AAC	The AOGCC believes the Class VI regulations are as stringent as the federal code on preventing endangerment of underground sources of drinking water while also allowing for conversion of Class II wells to Class VI activities in conformance with the regulatory requirements. Further, the AOGCC believes that the federal code standards provide a high degree of protection to underground sources of drinking water from planning, construction, operation, closure, and post closure monitoring.

		<p>25.1210(e), the Commission may waive casing, cementing, logging, sampling, and testing requirements if it determines that a converted well will not endanger USDWs. While federal regulations allow operators to demonstrate protection of USDWs, they do not provide an equivalent pathway for broad exemptions from modern Class VI standards. Given the long-term nature of CO<sub>2</sub> storage and the difficulty of remediating subsurface failures, SRC encourages a conservative approach that limits waivers and prioritizes full compliance with current construction and testing standards wherever practicable. This approach reflects standard engineering practice for long-term subsurface containment and provides greater assurance of protection for drinking water resources over the life of the project.</p>	<p>Accordingly, 20 AAC 25.1025 implements the standards of 40 CFR 146.81(c) and 20 AAC 25.1210(e) mirrors 40 CFR 146.86(b) and 40 CFR 146.81(c). The waiver referred to by the comment is limited and protections for safety of underground sources of drinking water still apply.</p> <p>The AOGCC believes that the regulations as drafted provide a conservative approach that establishes stringent construction (20 AAC 25.1210), testing, logging, and sampling (20 AAC 25.1220), and monitoring, mechanical integrity (20 AAC 25.1240), and monitoring (20 AAC 25.1250) requirements which together provide the protections requested by the commenter.</p>
<p>Long-Term Liability and Fiscal Responsibility</p>	<p>Susitna River Coalition</p>	<p>Class VI financial assurance and post-injection site care periods, typically on the order of 50 years... Watershed health is measured over decades and generations.... While the proposed post-injection monitoring period meets federal</p>	<p>The AOGCC is committed to ensuring necessary monitoring of carbon storage facilities to ensure protection of underground sources of drinking water and believes the regulations as proposed establish stringent and clear standards for monitoring. The default monitoring period of at least 50 years (AS 41.06.170(a)(3)), as implemented in 20 AAC</p>

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		<p>minimums of just 50 years, SRC encourages regulators to consider monitoring approaches that reflect the multigenerational nature of groundwater protection.</p>	<p>25.1310, provides a meaningful and responsible timeline to ensure that the requirements of AS 41.06.170 (b) have been met (20 AAC 25.1320(d).</p>
<p>Long-Term Liability and Fiscal Responsibility</p>	<p>Susitna River Coalition</p>	<p>First, Alaska should adopt performance-based criteria for concluding post-injection site care, rather than relying solely on a fixed time period. Operators should demonstrate through monitoring data that the CO<sub>2</sub> plume has stabilized, pressure has equilibrated, and no migration toward USDWs is occurring—with the 50-year period serving as a minimum, not an automatic endpoint.</p>	<p>The commission believes the proposed regulations establish performance-based criteria by requiring operators to demonstrate, and the commission to review and approve, a demonstration that a storage facility does not pose a danger to human health, human safety, the environment, or underground sources of drinking water. The AOGCC believes the proposed regulations at 20 AAC 25.1310 post-injection site care, site closure, monitoring timeline (that mirrors 40 CFR 146.93) and implements standards of AS 41.06.170 provide the necessary review period. The AOGCC believes these establish a performance-based criteria for monitoring storage facility site health.</p>
<p>Long-Term Liability and Fiscal Responsibility</p>	<p>Susitna River Coalition</p>	<p>Second, Alaska should require operators to fund a perpetual monitoring endowment, sized to generate sufficient annual returns to conduct groundwater monitoring indefinitely. This model—successfully used for landfill post-closure care and mine reclamation—ensures that monitoring continues regardless of corporate ownership changes, bankruptcy, or the passage of time.</p>	<p>The AOGCC is not authorized under current statutes, to require operators to fund a perpetual monitoring endowment and accordingly could not propose such an endowment in regulation. The Alaska legislature would need to pass law to implement this suggestion.</p>

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		The endowment principal would remain intact while investment returns fund ongoing stewardship.	
Long-Term Liability and Fiscal Responsibility	Susitna River Coalition	Third, Alaska should establish a community-based groundwater monitoring program for areas near Class VI facilities. Funded by operator fees and designed to extend beyond formal site care, this program would train and compensate local residents to conduct ongoing water quality monitoring. This approach builds local capacity, creates early warning systems rooted in the communities most affected, and reflects the kind of multigenerational stewardship that Alaska's watersheds require.	AOGCC is not authorized under current statutes to require operators to fund a community-based groundwater monitoring program as suggested. The Alaska legislature would need to pass law to implement this suggestion.
Governance, Enforcement, and Technical Capacity	Susitna River Coalition	Effective Class VI oversight requires sustained technical expertise, consistent enforcement, and the ability to respond rapidly to emerging risks. While AOGCC has extensive experience regulating oil and gas operations, underground CO <sub>2</sub> storage presents distinct challenges, including long-term plume modeling, geochemical interactions, and monitoring requirements that extend well beyond typical oil and gas project lifecycles. Developing and maintaining this specialized capacity	Even after AOGCC receives primacy for the Class VI program, similar to the existing Class II program, EPA still retains oversight and enforcement authority as detailed in the Memorandum of Agreement (MOA) AOGCC and EPA will enter into. The MOA ensures AOGCC will benefit from the extensive experiences EPA has with the program. AOGCC is also a member of the state regulatory bodies Ground Water Protection Council (GWPC) and Interstate Oil and Gas Compact Commission (IOGCC) that assist states work through issues at all levels and transfer knowledge. A more detailed description of the AOGCC Class VI program and

		<p>would require significant investment in staffing, training, and analytical tools. Retaining EPA oversight may provide greater regulatory continuity and technical specialization while reducing pressure on an already strained state budget. Before transferring full primacy, SRC encourages consideration of a phased or hybrid oversight model that retains EPA involvement during an initial transition period. At a minimum, the State should clearly demonstrate how technical capacity will be built and maintained, how enforcement will be resourced over the full life of Class VI projects, and how the program will be funded without compromising other regulatory responsibilities. Retaining EPA oversight, either fully or in partnership, may provide greater regulatory continuity and technical specialization while reducing risk to drinking water resources during program maturation.</p>	<p>implementation will be included in the AOGCC Class VI Primacy Application.</p> <p>The Alaska State Legislature has directed the AOGCC to pursue primacy over underground carbon storage (AS 31.05.030(h) and has given it broad authority to oversee all aspects of the program (AS41.06.105 and 41.06.110).</p>
<p>Public Participation</p>	<p>Susitna River Coalition</p>	<p>SRC’s work with watershed-dependent communities has shown that meaningful public participation requires sufficient time, accessible information, and direct notification to</p>	<p>The AOGCC is committed to public participation and information sharing at all stages of the Alaska Class VI program. We believe the commenter’s concerns are generally accomplished by the proposed regulations. For example,</p>

		<p>those most affected. Rural residents and private well users often need additional time to review technical materials and consult with neighbors and local experts. Direct notification to private well owners within the Area of Review is particularly important. These residents are frequently the first to observe changes in water quality and should have the opportunity to establish baseline conditions and participate in decision-making processes. Incorporating local hydrologic knowledge strengthens regulatory outcomes and supports public confidence. SRC recommends that budget considerations include funds available to nearby well owners for continued water quality testing.</p>	<p>water wells identified in Area of Review at 20 AAC 25.1070 are included in the storage facility permit at 20 AAC 25.1080 and may be part of a testing and monitoring plan at 20 AAC 25.1250(a)(4) and post injection site care and site closure plan at 20 AAC 25.1310. The site-specific characteristics will determine what frequency, if any, water well testing is prudent.</p> <p>The regulations establish wide public notice and allow persons to request notification of permit action (20 AAC 25.1150(c)(13)).</p> <p>Testing and verification of the carbon dioxide in a storage facility will be in the budget of the permit holder, and not an AOGCC or ADEC expense. AOGCC may only issue a certificate of completion (20 AAC 25.1320) if it can be shown the storage facility no longer poses a danger to underground sources of drinking water.</p>
<p>Conclusion</p>	<p>Susitna River Coalition</p>	<p>SRC encourages the Commission to take a conservative and Alaska-specific approach as it finalizes the Class VI regulatory framework and considers primacy. In particular, SRC urges careful limitation of discretionary waivers, heightened scrutiny of aquifer exemption expansions, and thoughtful attention to the long-term liability and monitoring gaps that extend beyond</p>	<p>The AOGCC appreciates your comments and participation in the regulations and Class VI public process. The AOGCC believes it has taken the approach suggested by the commenter, and that the regulations implementation of AS 41.06.170 on requirements for a certificate of completion provide thoughtful attention to long-term liability and provide conservative monitoring.</p>

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		<p>minimum federal timelines. We also encourage the Commission to ensure that adequate technical capacity, enforcement resources, and funding mechanisms are in place for the full lifecycle of Class VI projects, and that public participation processes meaningfully include private well users and other directly affected residents. Protecting underground sources of drinking water is the core legal purpose of the Class VI program and a responsibility that necessarily spans generations. SRC appreciates the Commission’s consideration of these comments and looks forward to continued engagement as AOGCC evaluates how best to safeguard Alaska’s water resources while assessing the role of carbon storage in the state.</p>	
General	EERC	<p>Supportive of adoption of the AOGCC proposed regulations. Supportive of AOGCC pursuing and achieving Class VI Primacy from EPA. To support the state of Alaska, the EERC, through the PCOR Partnership, has reviewed the proposed rule changes to Title 20 Chapter 25 of the Alaska Administrative Code. We believe the requirements meet or exceed the EPA</p>	<p>AOGCC appreciates your participation in the regulations and Class VI primacy effort. AOGCC continues to rely on EPA, IOGCC, GWPC, PCOR partnership, and EERC for their continuous support and expertise.</p>

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		Underground Injection Control (UIC) Class VI program requirements in the protection of underground sources of drinking water (USDWs) and other resources. AOGCC has a long history of regulatory oversight and expertise in Alaska’s geology, in the implementation of the UIC program, and in the protection of Alaska’s natural environment including its USDWs.	
General	Center for Biological Diversity (CBD)	We reiterate and incorporate by reference the scoping comments we previously submitted to Docket Number: R-24-002 concerning the Commission’s intent to pursue Class VI primacy for carbon dioxide (“CO2”) injection wells.	AOGCC has linked the Public Scoping Hearing Comments including the AOGCC responses to those comments at <a href="https://www.commerce.alaska.gov/web/aogcc/ccus">https://www.commerce.alaska.gov/web/aogcc/ccus</a>
General	Center for Biological Diversity (CBD)	As discussed in more detail below, we reiterate that the proposed regulatory changes intended to facilitate Class VI primacy for CO2 injection wells in Alaska would needlessly burden the state’s agencies and resources where the state’s geology and geography is ill suited for carbon capture and storage (“CCS”) projects and the Commission does not have adequate resources or expertise to assume the responsibility of Class VI primacy. For	The AOGCC is committed to fully implementing AS 41.06.105 - 41.06.210 in a manner that provides protection of human and environmental health and allows for responsible development of underground carbon storage. The AOGCC believes that receiving primacy is the best way to provide stringent Alaska-specific expertise, resources, and experience to this program. Accordingly, the AOGCC will continue to work to receive state primacy for Class VI wells.

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		these reasons, we urge the Commission not to move forward with these regulatory changes in support of a Class VI primacy application.	
Future Funding	Center for Biological Diversity (CBD)	The Notice of Proposed Regulatory Changes Does Not Identify Future Funding Sources Necessary for Increased Technical Expertise and Implementation of a New Class VI Permitting Program.	AOGCC was initially funded with a two-year appropriation from the legislature. AOGCC has received a \$1.93 million grant award from EPA for the pursuit of Class VI primacy. This award is for 5 years duration. AOGCC also anticipates an annual EPA award similar to the Class II annual award, for ongoing program participation and reporting etc. By the design of the Alaska legislature, Alaska Statutes codified at 41.06.105-210 require the carbon storage facility program to be user pays (industry) through a set of funding mechanisms including application fees and injection surcharges. The AOGCC is confident that the funding is sufficient for AOGCC to implement the program with existing staff, additional staff, and expert consultants on an as needed basis.
Expertise	Center for Biological Diversity (CBD)	Class VI permits are complex and highly technical, covering activities spanning decades, including pre-injection, injection, and post-injection. Typically, EPA takes nearly two years to review and issue a draft Class VI permit. EPA's Class VI permit dashboard reflects this reality, showing that the agency has only issued four permits since the federal	The AOGCC appreciates the comments and agrees with your comments that permitting within the Class VI program is complex and highly technical. It is AOGCC's goal to process permit applications as efficiently as possible while maintaining standards of review and issuance on par with EPA's efforts.

		Class VI regulations became effective in 2011.	
Expertise / Funding	Center for Biological Diversity (CBD)	<p>The technical expertise to permit Class VI wells is distinct from oil and gas permitting. Compressed CO2 is highly dangerous and has high corrosive potential. As noted by the Pipeline Safety Trust:</p> <p>CO2 pipelines are susceptible to ductile fractures, which can, like a zipper, open up and run down a significant length of the pipe, they can release immense amounts of CO2, hurl large sections of pipe, expel pipe shrapnel, and generate enormous craters. Water, notoriously difficult to eliminate from CO2 pipelines, allows the formation of carbonic acid in the pipeline which has a ferocious appetite for carbon steel.</p>	<p>The AOGCC appreciates the comments and agrees with your comments around risks of corrosion and CO2 leaks in pipelines and injection wells. The AOGCC believes that the proposed regulations, which establish highly stringent permitting and monitoring standards provide protection from incidents of the type noted by the commenter. As EPA and industry accumulate knowledge, AOGCC continues to rely on EPA, IOGCC, GWPC, PCOR partnership, and EERC for their continuous support and expertise.</p> <p>The regulations (20 AAC 25.1040) require the AOGCC to collect an application fee that is determined on a case-by-case basis and designed to cover the AOGCC’s actual cost of reviewing an application, including hiring contractors to provide expertise in areas the AOGCC may not have such expertise in house.</p>
20 AAC 25.435 and 20 AAC 25.442 USDW Protection	Center for Biological Diversity (CBD)	The Proposed Regulatory Changes Would Not Adequately Protect Underground Sources of Drinking Water.	The AOGCC believes the proposed regulations fully protect underground sources of drinking water. 20 AAC 25.435 mirrors 40 CFR 144.7(a), 20 AAC 25.440 mirrors 40 CFR 144.7(b) and 40 CFR 146.4, and 20 AAC 25.442 mirrors 40 CFR 144.7(d). Together these regulations provide the identification, monitoring, and testing standards designed to fully protect underground sources of drinking water.

AOGCC Response to Comments on Proposed CCUS Regulations

<p>EPA vs State of Alaska in litigation</p>	<p>Center for Biological Diversity (CBD)</p>	<p>Should the state obtain primacy over Class VI wells, Alaska’s fee shifting rule, which allows for unsuccessful plaintiffs to be forced to pay for the prevailing party’s fees in addition to their own, chills public interest litigation and is incompatible with the citizen enforcement provisions of the SDWA. This issue could also lead to litigation over the state’s application, which would, at best, slow down and complicate the process; for example, litigation related to the SDWA and the enforcement provisions in Louisiana’s Class VI primacy framework is ongoing.</p>	<p>The AOGCC appreciates your comment. This comment relates to matters outside AOGCC authority or the proposed regulations. The AOGCC believes that the concerns expressed are unlikely as the AOGCC has proposed regulations that implement state law and are at least as stringent as the corresponding federal requirements.</p>
<p>20 AAC 25.444 Transitioning from a Class II well to a Class VI well</p>	<p>Center for Biological Diversity (CBD)</p>	<p>The proposed regulatory changes to 20 AAC 25.444, entitled “Transitioning from a Class II well to a Class VI well”, would add requirements for when an operator of a Class II well must newly transition to and obtain a Class VI permit, such as “when the primary purpose is the longterm storage of carbon or there is an increased risk to underground sources of drinking water compared to Class II operations.” Unfortunately, the proposed regulatory text does not establish mandatory triggers for when a well operator must undertake such</p>	<p>The AOGCC believes that 20 AAC 25.444 as set out in the draft regulations imposes responsibility on both well operators and the AOGCC to ensure compliance with AS 41.06 and protection of USDW. The AOGCC is comfortable that the factors set out in 20 AAC 25.444 (b) set out robust regulatory language of the factors that must be considered when determining if there is a need to convert to a Class VI well.</p>

		<p>a transition from a Class II well permit to a Class VI well permit. The proposed regulatory language explains that the onus is on the well owner or operator to evaluate whether any changes to the well purpose or risks to drinking water exist leaving the fox to guard the henhouse, since there is little to no incentive for well owners/operators to upgrade from less strict Class II permit conditions to a more protective Class VI permit.</p>	
<p>20 AAC 25.444 Transitioning from a Class II well to a Class VI well</p>	<p>Center for Biological Diversity (CBD)</p>	<p>Additionally, while the proposed regulatory changes establish factors that the Commission must evaluate when “determin[ing] when the primary purpose of injection is longterm carbon storage or there is an increased risk to underground sources of drinking water compared to Class II operations,” the regulations do not establish any mandatory trigger or obligation for the Commission to undertake any such analysis. Leaving this analysis to the Commission’s discretion effectively means that there is little, if any, incentive for the state to undertake this analysis, particularly because (should primacy be granted) the other</p>	<p>The AOGCC believes that the regulations as proposed establish rigorous standards for the owner or operator and the commission to evaluate when the primary purpose of long-term injection is carbon storage through the factors set out in 20 AAC 25.444. The AOGCC does not agree that there is “little if any, incentive” to undertake the analysis because the commission does and intends to continue to exercise its statutory authority to protect the environment and public health. The factors in 20 AAC 25.444 cover the essential aspects to determine if a Class II well should be transitioned to a Class VI well including reservoir pressure, increase in injection, decrease in production, the suitability of the area, including the quality of abandoned plugs, the source of the carbon dioxide and additional site-specific factors determined by the commission. Commission staff is highly</p>

AOGCC Response to Comments on Proposed CCUS Regulations

		mandatory obligations of a Class VI permitting program, limited staff resources, and lack of technical expertise will take precedence for the state’s already overburdened and under resourced regulatory agency.	experienced, and the AOGCC is comfortable that our regulatory oversight will remain accountable and exemplary.
20 AAC 25.444 Transitioning from a Class II well to a Class VI well	Center for Biological Diversity (CBD)	Finally, the proposed regulatory changes establish no public oversight mechanism which would allow the public to seek to enforce an analysis of “when the primary purpose of injection is long-term carbon storage or there is an increased risk to underground sources of drinking water when compared to Class II operations.” Not only do the regulations not establish mandatory triggers for when a Class II permit must be transitioned to a Class VI permit but, as discussed above, the state’s fee shifting provisions effectively foreclose any citizen enforcement of such regulatory provisions.	The AOGCC has an established website at <a href="https://www.commerce.alaska.gov/web/aogcc/">https://www.commerce.alaska.gov/web/aogcc/</a> which includes information on how to contact the commission and staff and includes a form to notify the commission of any complaints or potential violations within the Commission’s authority. The AOGCC can request information from the regulated operators at any time and call public hearings and issue orders that are available to the public via our website. AOGCC has an established Class II enforcement process which will be carried over to the Class VI program once Class VI primacy is achieved.
20 AAC 25.1010. Prohibition of movement of fluid into underground sources of drinking water;	Center for Biological Diversity (CBD)	(b) If contaminants are found to be affecting an underground source of drinking water, the Commission should additionally <i>require</i> immediate cessation of operations while, not just additional requirements for “construction,	The AOGCC believes the proposed regulations are as protective of underground sources of drinking water as the federal code and work for Alaska conditions. 20 AAC 25.1010(b) mirrors 40 CFR 144.12(b)., and the AOGCC believes the CFR provisions for protection of underground sources of drinking water are robust.

AOGCC Response to Comments on Proposed CCUS Regulations

<p>emergency actions.</p>		<p>corrective action, operation, monitoring, or reporting, including closure of the injection well”</p>	<p>The requirement set out in 20 AAC 25.1010 that the commission “will” impose additional requirements, in addition to the authority for the commission to take emergency action, will, the AOGCC believes, provide protection to underground sources of drinking water.</p>
<p>20 AAC 25.1010. Prohibition of movement of fluid into underground sources of drinking water; emergency actions.</p>	<p>Center for Biological Diversity (CBD)</p>	<p>(c) The requirement that the Commission “<i>may</i> take emergency action upon receipt of information that a contaminant which is present in or likely to enter a public water system or underground sources of drinking water may present an imminent and substantial endangerment to the health of persons” should be changed to a mandatory “<i>must</i>.”</p>	<p>The AOGCC believes the proposed regulations are as protective of underground sources of drinking water as the federal code. 20 AAC 25.1010(c) mirrors 40 CFR 144.12(e). The AOGCC understands the commenters concern, but it believes that together 20 AAC 25.1010 (b) and (c) provide stringent and protective requirements to monitor and address concerns related to underground sources of drinking water.</p>
<p>20 AAC 25.1060. Minimum criteria for siting</p>	<p>Center for Biological Diversity (CBD)</p>	<p>(b) Permissive “<i>may</i>” should be changed to “<i>must</i>” for when the Commissions can require “the storage operator identify and characterize additional zones that will impede vertical fluid movement, are free of faults and fractures that may interfere with containment, allow for pressure dissipation”</p>	<p>20 AAC 25.1060 establishes the minimum criteria for siting a storage facility and is as stringent as the federal rule (40 CFR 146.83). The AOGCC is comfortable that the demonstration required of a storage operator under 20 AAC 25.1060 (a) covers the information needed to determine if a site is suitable.</p> <p>As to the “<i>may</i>” in (b), the AOGCC believes that the current language provides for the needed flexibility for commission review of a proposed site while still establishing robust siting criteria and demonstration.</p>

AOGCC Response to Comments on Proposed CCUS Regulations

<p>20 AAC 25.1070. Area of review; corrective action.</p>	<p>Center for Biological Diversity (CBD)</p>	<p>The proposed regulations should empower members of the public to provide input on the relevant area of review, and the proposed regulations should include specific additional and increased evaluation where there are vulnerable public infrastructure, homes, highways, etc. that could be impacted by any proposed Class VI well and association infrastructure (including pipelines).</p>	<p>20 AAC 25.1070 establishes delineation of the area of review, and identification of corrective action and is as stringent as the federal rule (40 CFR 146.84). The AOGCC agrees that public notice and process as set forth in the draft regulations, 20 AAC 25.1150, provide the type of notice suggested by the comment.</p>
<p>20 AAC 25.1100. Draft permit; fact sheet.</p>	<p>Center for Biological Diversity (CBD)</p>	<p>(b), (e), (f) The proposed regulations should make explicit that the public should have the opportunity to comment on any proposed permit approval or denial, and any such fact sheet for a proposed approval must be expeditiously made available to the public.</p>	<p>20 AAC 25.1100 implements 40 CFR 124.6, 124.8, 124.10, 144.31, and 40 CFR 145.11 and AOGCC believes these to be as stringent as the federal code requirements. AOGCC believes that the current public process in 20 AAC 25.1100 and 20 AAC 25.1150 meet the concerns set out in the comment.</p>
<p>20 AAC 25.1140. Schedule of compliance.</p>	<p>Center for Biological Diversity (CBD)</p>	<p>(b) In addition to “report[ing] any noncompliance which may endanger health or the environment” to the Commission, the storage operator should be required to make such information immediately available to the public.</p>	<p>20 AAC 25.1140 establishes a schedule of compliance that is as stringent as the federal rule (40 CFR 144.53) and that that schedule complies with Alaska statutes on underground carbon storage and provides necessary notice. 20 AAC 25.1260 establishes emergency and remedial response plan (ERRP) requirements. EPA’s issued guidance and ERRP template has a section titled Emergency Communications Plan. In this section it states “...applicant...will communicate to the public about any event that requires an emergency response to ensure that the public</p>

AOGCC Response to Comments on Proposed CCUS Regulations

			<p>understands what happened and whether or not there are any environmental or safety implications. The amount of information, timing, and communications method(s) will be appropriate to the event, its severity, whether any impacts to drinking water or other environmental resources occurred, any impacts to the surrounding community, and their awareness of the event.” AOGCC believes the EERP requirements at 20 AAC 25.1260 will satisfy the commenters public notification concerns on endangerment of health or the environment.</p>
<p>20 AAC 25.1140. Schedule of compliance.</p>	<p>Center for Biological Diversity (CBD)</p>	<p>(c)(13) Public notice for permit comment and hearing proceedings should additionally include direct outreach to members of the public living, working, or recreating within the area of review for the proposed permit</p>	<p>20 AAC 25.1140 implements notice required by both state (AS 41.06.125) and federal law and established significant public outreach. 20 AAC 25.1100(f) provides for notice of a draft permit and fact sheet, and 20 AAC 25.1150 establishes the process and recipients of notice, including persons who request to be on an area notice developed by the commission (20 AAC 25.1050(c)(13). AOGCC believes that the regulations as drafted provide adequate public notice options that address the commenter’s concern.</p>
<p>20 AAC 25.1200. Financial responsibility</p>	<p>Center for Biological Diversity (CBD)</p>	<p>(d)(1)(D) The proposed regulations should not allow for the discharge of any financial assurances upon commencement of bankruptcy Chapter 11 reorganization proceedings. Such environmental</p>	<p>20 AAC 25.1200 (c)(1) (D) implements 40 CFR 146.85 and AOGCC believes these to be as stringent as the federal code requirements. AOGCC is comfortable that the current regulations provide the protective coverage needed by the State through robust financial assurances. Further, whether an</p>

AOGCC Response to Comments on Proposed CCUS Regulations

		cleanup or remediation obligations should be considered non-monetary mandatory regulatory obligations that are non-dischargeable during bankruptcy reorganization proceedings particularly because reorganization allows for the business to remerge from bankruptcy as a going concern which should be able to bear such obligations under the reorganized entity.	obligation is dischargeable in bankruptcy is a matter of federal law.
20 AAC 25.1200. Financial responsibility	Center for Biological Diversity (CBD)	(g), (h) Financial mechanisms allowed to demonstrate financial responsibility should disallow blanket bonding for entities with more than one Class VI well permit, as well as owner/operator self-insurance. Numerous examples in the oil and gas well bonding context have demonstrated that such practices inevitably result in inadequate bond amounts for environmental cleanup and monitoring costs.	20 AAC 25.1200 (g) and (h) implements 40 CFR 146.85 and AOGCC believes these to be as stringent as the federal code requirements, and that provisions allowing a combination of instruments establishes sufficient financial assurances as the regulation recognizes that financial responsibility may be determined by a combination of mechanisms that must be at least equal to the current cost estimate. The regulations, 20 AAC 25.1200 (n) and (o) detail the requirements for cost estimates and adjustments required for inflation to assure adequate bonding amounts.
20 AAC 25.1260. Emergency and remedial response.	Center for Biological Diversity (CBD)	Any emergency and remedial response plan must include proactive outreach to first-responders to inform of the unique vulnerabilities and risks to human health and safety which surround CO2 leakage – including but not limited to, CO2 flows to low-lying areas, effect on combustion engine	20 AAC 25.1260 establishes emergency and remedial response plan (ERRP) requirements and is as stringent as the federal rule (40 CFR 146.94). The AOGCC believes that the standards in 20 AAC 25.1260 protect the public and environmental health. AOGCC agrees CO2 leakage can pose “unique vulnerabilities and risks to human health and safety” but believes this will be addressed in the

AOGCC Response to Comments on Proposed CCUS Regulations

		<p>rescue equipment, oxygen supplementation equipment, and any other unique hazards first responders may not be aware of concerning CO2 leakage.</p>	<p>ERRP under the various scenarios and response procedures. EPA has issued guidance and an ERRP template. Multiple permit applications (publicly available) have been received by EPA and primacy states containing ERRPs outlining the risks and response scenarios highlighted by the commenter. AOGCC plans for stringent review of a storage operator’s ERRP. Like other states, AOGCC will encourage applicants to ensure that appropriate community representatives are a part of the development of the ERRP, including training local responders to respond to emergencies at the facility, working with the community to identify the chain of command for notifying the public of an emergency; and developing plans for notification of well related issues and emergencies (considering local community language needs and the needs of persons with disabilities).</p>
<p>20 AAC 25.1310. Post-injection site care; site closure; monitoring timeline.</p>	<p>Center for Biological Diversity (CBD)</p>	<p>(b)(5), (g) The owner/operator should be responsible for post-injection site care and monitoring for at least 50 years, and such liability should not be transferred to the state at any time prior.</p>	<p>20 AAC 25.1310 implements AS 41.06.170 and also the requirements of 40 CFR 146.93. The AOGCC believes these to be as stringent as the federal code requirements. The default monitoring period is 50 years, and a storage operator seeking an alternate timeframe must make a demonstration that the storage facility poses no danger to underground sources of drinking water. Approval of an alternate timeframe requires consultation with the EPA and a demonstration based on significant, site-specific data. The AOGCC is comfortable that the regulations as drafted provide robust post-injection site care and monitoring</p>

			<p>Further, 20 AAC 25.1250 requires monitoring to assure protection of underground sources of drinking water and non-escapement of carbon dioxide</p> <p>AS 41.06.170 passed by the Alaska legislature speaks to AOGCC issuing a certificate of completion which is codified at 20 AAC 25.1320.</p>
20 AAC 25.1410. Modification, revocation and reissuance of permit.	Center for Biological Diversity (CBD)	The public should be given a mandatory right and opportunity to comment and engage in a hearing process for any modification, revocation and reissuance of a permit.	20 AAC 25.1410 establishes the standards and process for modification of a permit and is as stringent as the federal rule (40 CFR 144.35(a) and 40 CFR 144.39). The AOGCC believes that the modification, revocation and reissuance process provides adequate public notice of storage facility permit modifications. Under 20 AAC 25.1410(c) a permit modification, other than a minor modification, is subject to the procedures in 20 AAC 25.1150, Public hearing; notice; public comment.
Conclusions	Center for Biological Diversity (CBD)	Thank you for your careful consideration of our comments and concerns with the proposed changes to regulations in Title 20 Chapter 25 of the Alaska Administrative Code dealing with carbon storage as it relates to Class VI wells and establishing a new Class VI Underground Injection Control program for Alaska. Given the many problems associated with CCS and state-level primacy, we urge the	AOGCC appreciates the detailed comments and participation in the process. It is AOGCC's continued intent to move forward with the pursuit of Class VI primacy, and the adoption of conforming regulations for carbon storage is a major step.

March 3, 2026

AOGCC Response to Comments on Proposed CCUS Regulations

		<p>Commission not to move forward with these regulatory changes in support of a Class VI primacy application. And if the Commission does still choose to move forward with these regulatory changes, we urge you to strengthen the proposed Class VI regulations to better protect Alaskans from the myriad risks associated with this undertaking. We thank you for considering these comments.</p>	
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4. May 14, 2026: Public Hearing on  
AOGCC's proposed UIC Class VI Program  
Submission and Notice of Intent to Apply  
for Class VI Primacy

**NOTICE OF INTENT TO APPLY FOR CLASS VI PRIMACY  
NOTICE OF PUBLIC HEARING  
STATE OF ALASKA  
ALASKA OIL AND GAS CONSERVATION COMMISSION**

RE: Class VI Primacy Application

**Subject:** The Alaska Oil and Gas Conservation Commission (AOGCC) intends to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program. Class VI wells are used for injection of carbon dioxide for long term underground storage. Section 1422 of the Safe Drinking Water Act (SDWA) requires Primacy applicants to implement a program that is as stringent as EPA's requirements for UIC programs and to enforce UIC program requirements that protects underground sources of drinking water from endangerment. If the EPA grants the AOGCC's Class VI program application, the AOGCC would regulate the UIC program for all Class VI wells in Alaska.

**Obtaining copies of proposed application:** The AOGCC's proposed Class VI program application is available for review at no cost to the public on the AOGCC's website: <https://www.commerce.alaska.gov/web/aogcc/ccus.aspx>.

**Public hearing:** The AOGCC has scheduled a public hearing on the proposed Class VI program application on May 14, 2026, at 10:00 a.m. Oral or written comments may be submitted at the hearing. The hearing will be held in the AOGCC hearing room located at 333 West 7th Avenue, Anchorage, AK 99501. The audio call in information is (907) 202-7104 Conference ID: 276 820 313#. Anyone who wishes to participate remotely using MS Teams video conference should contact AOGCC's Special Assistant Samantha Coldiron at [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov) at least two business days before the scheduled public hearing to request an invitation for MS Teams.

**Written comments:** You may comment on the proposed Class VI program application, by submitting written comments to the AOGCC at 333 West Seventh Avenue, Anchorage, AK 99501 or [aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov).

**Written comment deadline:** Written comments must be received no later than the conclusion of the May 14, 2026, hearing.

**Accommodations:** Individuals or groups of people with disabilities who require special accommodations to provide written comments or participate in the hearing should contact Samantha Coldiron at (907) 793-1223 or [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov), no later than May 7, 2026 to ensure any necessary accommodation can be provided.

**Contact:** For questions or further information, please contact Ms. Samantha Coldiron at (907) 793-1223 or [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov).

Thomas W  
McKay

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Date: 2026.04.02  
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Thomas W. McKay  
Chair, Commissioner

Gregory C Wilson

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Wilson  
Date: 2026.04.02 10:43:24 -08'00'

Gregory C. Wilson  
Commissioner

# PUBLISHER'S AFFIDAVIT

UNITED STATES OF AMERICA,  
STATE OF ALASKA

}  
SS:

I, Randie Pospical, being first duly sworn, on oath deposes and says:  
That I am and was at all times here in this affidavit mentions, Supervisor  
of Legals of the Sound Publishing / Homer News, a newspaper of general  
circulation and published at Kenai, Alaska, that the advertisement, a  
printed copy of which is hereto annexed was published in said paper on  
the dates listed below:

Notice of public hearing  
April 9, 2026

x Randie Pospical

SUBSCRIBED AND SWORN before me on this

13 day of Apr, 2026.

Donna K Schrader

NOTARY PUBLIC in favor for the State of Alaska,

My commission expires Oct. 19, 2027

NOTARY PUBLIC  
DONNA K SCHRADER  
STATE OF ALASKA  
My Commission Expires October 19, 2027

## NOTICE OF INTENT TO APPLY FOR CLASS VI PRIMACY NOTICE OF PUBLIC HEARING STATE OF ALASKA ALASKA OIL AND GAS CONSERVATION COMMISSION

RE: Class VI Primacy Application

**Subject:** The Alaska Oil and Gas Conservation Commission (AOGCC) intends to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program. Class VI wells are used for injection of carbon dioxide for long term underground storage. Section 1422 of the Safe Drinking Water Act (SDWA) requires Primacy applicants to implement a program that is as stringent as EPA's requirements for UIC programs and to enforce UIC program requirements that protects underground sources of drinking water from endangerment. If the EPA grants the AOGCC's Class VI program application, the AOGCC would regulate the UIC program for all Class VI wells in Alaska.

**Obtaining copies of proposed application:** The AOGCC's proposed Class VI program application is available for review at no cost to the public on the AOGCC's website:  
<https://www.commerce.alaska.gov/web/aogcc/ccus.aspx>.

**Public hearing:** The AOGCC has scheduled a public hearing on the proposed Class VI program application on May 14, 2026, at 10:00 a.m. Oral or written comments may be submitted at the hearing. The hearing will be held in the AOGCC hearing room located at 333 West 7th Avenue, Anchorage, AK 99501. The audio call in information is (907) 202-7104 Conference ID: 276 820 313#. Anyone who wishes to participate remotely using MS Teams video conference should contact AOGCC's Special Assistant Samantha Coldiron at [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov) at least two business days before the scheduled public hearing to request an invitation for MS Teams.

**Written comments:** You may comment on the proposed Class VI program application, by submitting written comments to the AOGCC at 333 West Seventh Avenue, Anchorage, AK 99501 or [aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov).

**Written comment deadline:** Written comments must be received no later than the conclusion of the May 14, 2026, hearing.

**Accommodations:** Individuals or groups of people with disabilities who require special accommodations to provide written comments or participate in the hearing should contact Samantha Coldiron at (907) 793-1223 or [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov), no later than May 7, 2026 to ensure any necessary accommodation can be provided.

**Contact:** For questions or further information, please contact Ms. Samantha Coldiron at (907) 793-1223 or [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov).

Thomas W. McKay  
Chair, Commissioner  
Pub: Apr. 9, 2026

Gregory C. Wilson  
Commissioner

1029006

# PUBLISHER'S AFFIDAVIT

UNITED STATES OF AMERICA,  
STATE OF ALASKA

} SS:

Randie Pospical, being first duly sworn, on oath deposes and says:  
That I am and was at all times here in this affidavit mentions, Supervisor of Legals of the Sound Publishing / JUNEAU EMPIRE, a newspaper of general circulation and published at JUNEAU, Alaska, that the advertisement, a printed copy of which is hereto annexed was published in said paper on the dates listed below:

Notice of public hearing  
April 8, 2026

*Randie Pospical*

SUBSCRIBED AND SWORN before me on this

13 day of Apr 2026.  
*Donna K Schrader*

NOTARY PUBLIC in favor for the State of Alaska.

My commission expires 10/19/27

NOTARY PUBLIC  
DONNA K SCHRADER  
STATE OF ALASKA  
My Commission Expires October 19, 2027

## NOTICE OF INTENT TO APPLY FOR CLASS VI PRIMACY NOTICE OF PUBLIC HEARING STATE OF ALASKA ALASKA OIL AND GAS CONSERVATION COMMISSION

RE: Class VI Primacy Application

**Subject:** The Alaska Oil and Gas Conservation Commission (AOGCC) intends to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program. Class VI wells are used for injection of carbon dioxide for long term underground storage. Section 1422 of the Safe Drinking Water Act (SDWA) requires Primacy applicants to implement a program that is as stringent as EPA's requirements for UIC programs and to enforce UIC program requirements that protects underground sources of drinking water from endangerment. If the EPA grants the AOGCC's Class VI program application, the AOGCC would regulate the UIC program for all Class VI wells in Alaska.

**Obtaining copies of proposed application:** The AOGCC's proposed Class VI program application is available for review at no cost to the public on the AOGCC's website:  
<https://www.commerce.alaska.gov/web/aogcc/ccus.aspx>.

**Public hearing:** The AOGCC has scheduled a public hearing on the proposed Class VI program application on May 14, 2026, at 10:00 a.m. Oral or written comments may be submitted at the hearing. The hearing will be held in the AOGCC hearing room located at 333 West 7th Avenue, Anchorage, AK 99501. The audio call in information is (907) 202-7104 Conference ID: 276 820 313#. Anyone who wishes to participate remotely using MS Teams video conference should contact AOGCC's Special Assistant Samantha Coldiron at [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov) at least two business days before the scheduled public hearing to request an invitation for MS Teams.

**Written comments:** You may comment on the proposed Class VI program application, by submitting written comments to the AOGCC at 333 West Seventh Avenue, Anchorage, AK 99501 or [aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov).

**Written comment deadline:** Written comments must be received no later than the conclusion of the May 14, 2026, hearing.

**Accommodations:** Individuals or groups of people with disabilities who require special accommodations to provide written comments or participate in the hearing should contact Samantha Coldiron at (907) 793-1223 or [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov), no later than May 7, 2026 to ensure any necessary accommodation can be provided.

**Contact:** For questions or further information, please contact Ms. Samantha Coldiron at (907) 793-1223 or [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov).

Thomas W. McKay  
Chair, Commissioner  
Pub: Apr. 8, 2026

Gregory C. Wilson  
Commissioner

1029005

# PUBLISHER'S AFFIDAVIT

UNITED STATES OF AMERICA,  
STATE OF ALASKA

} SS:

I, Randie Pospical, being first duly sworn, on oath deposes and says:  
That I am and was at all times here in this affidavit mentions, Supervisor of Legals of the Sound Publishing / Peninsula Clarion, a newspaper of general circulation and published at Kenai, Alaska, that the advertisement, a printed copy of which is hereto annexed was published in said paper on the dates listed below:

Notice of public hearing  
4/10/2026

x Randie P

SUBSCRIBED AND SWORN before me on this

13 day of Apr, 2026.

Donna K Schrader  
NOTARY PUBLIC in favor for the State of Alaska.

My Commission Expires October 19, 2027

NOTARY PUBLIC  
DONNA K SCHRADER  
STATE OF ALASKA  
My Commission Expires October 19, 2027

## NOTICE OF INTENT TO APPLY FOR CLASS VI PRIMACY NOTICE OF PUBLIC HEARING STATE OF ALASKA ALASKA OIL AND GAS CONSERVATION COMMISSION

RE: Class VI Primacy Application

**Subject:** The Alaska Oil and Gas Conservation Commission (AOGCC) intends to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program. Class VI wells are used for injection of carbon dioxide for long term underground storage. Section 1422 of the Safe Drinking Water Act (SDWA) requires Primacy applicants to implement a program that is as stringent as EPA's requirements for UIC programs and to enforce UIC program requirements that protects underground sources of drinking water from endangerment. If the EPA grants the AOGCC's Class VI program application, the AOGCC would regulate the UIC program for all Class VI wells in Alaska.

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<https://www.commerce.alaska.gov/web/aogcc/ccus.aspx>.

**Public hearing:** The AOGCC has scheduled a public hearing on the proposed Class VI program application on May 14, 2026, at 10:00 a.m. Oral or written comments may be submitted at the hearing. The hearing will be held in the AOGCC hearing room located at 333 West 7th Avenue, Anchorage, AK 99501. The audio call in information is (907) 202-7104 Conference ID: 276 820 313#. Anyone who wishes to participate remotely using MS Teams video conference should contact AOGCC's Special Assistant Samantha Coldiron at [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov) at least two business days before the scheduled public hearing to request an invitation for MS Teams.

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**Contact:** For questions or further information, please contact Ms. Samantha Coldiron at (907) 793-1223 or [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov).

Thomas W. McKay  
Chair, Commissioner  
Pub: Apr.10, 2026

Gregory C. Wilson  
Commissioner

1029008

AFFP

Apply for Class VI Primacy

# Affidavit of Publication

STATE OF ALASKA }  
COUNTY OF FAIRBANKS } SS  
NORTH STAR BOROUGH }

00087791  
NOTICE OF INTENT TO APPLY FOR CLASS VI PRIMACY  
NOTICE OF PUBLIC HEARING  
STATE OF ALASKA  
ALASKA OIL AND GAS CONSERVATION  
COMMISSION

Teresa Knezek, being duly sworn, says:

RE: Class VI Primacy Application

That she is Affidavit Clerk of the Fairbanks Daily News-Miner, a daily newspaper of general circulation, printed and published in Fairbanks, Fairbanks North Star Borough County, Alaska; that the publication, a copy of which is attached hereto, was published in the said newspaper on

Subject: The Alaska Oil and Gas Conservation Commission (AOGCC) intends to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program. Class VI wells are used for injection of carbon dioxide for long term underground storage. Section 1422 of the Safe Drinking Water Act (SDWA) requires Primacy applicants to implement a program that is as stringent as EPA's requirements for UIC programs and to enforce UIC program requirements that protects underground sources of drinking water from endangerment. If the EPA grants the AOGCC's Class VI program application, the AOGCC would regulate the UIC program for all Class VI wells in Alaska.

April 09, 2026

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That said newspaper was regularly issued and circulated on those dates.

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SIGNED:

\_\_\_\_\_  
Affidavit Clerk

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Subscribed to and sworn to me this 9th day of April 2026.

Written comment deadline: Written comments must be received no later than the conclusion of the May 14, 2026, hearing.

\_\_\_\_\_  
Kaira S. Lum Slane, Notary Public, Fairbanks North Star Borough County, Alaska

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My commission expires: February 26, 2030

Contact: For questions or further information, please contact Ms. Samantha Coldiron at (907) 793-1223 or [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov).

00010340 00087791



Samantha Coldiron  
AOGCC Alaska Oil and  
333 West 7th Avenue  
Anchorage, AK 99501

Thomas W. McKay  
Chair, Commissioner

Gregory C. Wilson  
Commissioner  
Publish: 4-9-2026

00087791

**NOTICE OF INTENT TO  
APPLY FOR CLASS VI  
PRIMACY  
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ALASKA OIL AND GAS  
CONSERVATION  
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Thomas W. McKay  
Chair, Commissioner

Gregory C. Wilson  
Commissioner

Publish: 4-9-2026



# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 100869 ST OF AK/AK OIL AND GAS CONSERVATION COMMISSION  
333 W. 7TH AVE STE 100, ANCHORAGE, AK 99501

Order #: W0058791

Cost: \$330.69

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

04/08/2026

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

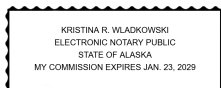
Signed Lisi Misa

Subscribed and sworn to before me

2026-04-10

*Kristina R. Wladkowski*

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska



MY COMMISSION EXPIRES

2029-01-23

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NOTICE OF PUBLIC HEARING  
STATE OF ALASKA  
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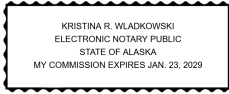
Pub: Apr. 8, 2026

# The Arctic Sounder

CASE/PO/AIO: ST OF AK/AK OIL AND GAS  
AD# or identifier: 55136

REMIT TO: Anchorage Daily News  
300 W 31st Ave  
Anchorage, AK 99503  
Ph: (907) 257-4251  
Fax (907) 279-7579

INVOICE(S):

AFFIDAVIT OF PUBLICATION	
<p>UNITED STATES OF AMERICA STATE OF ALASKA, THIRD DISTRICT BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY PERSONALLY APPEARED <u>LISI MISA</u> WHO, BEING FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT S/HE IS <u>Legal Sales Of The Arctic Sounder</u> PUBLISHED AT <b>300 W 31st AVE, ANCHORAGE, AK</b>, IN SAID THIRD DISTRICT AND STATE OF ALASKA AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED OR ATTACHED IS A TRUE COPY, WHICH WAS PUBLISHED IN SAID PUBLICATION ON THE 9th DAY OF April, 2026</p>	<p>ATTACH PROOF OF PUBLICATION HERE</p>
<p><u>Lisi Misa</u> _____ LISI MISA LEGAL SALES</p> <p>SUBSCRIBED AND SWORN BEFORE ME THIS 8th day of May, 2026.</p>	
<p><u>Kristina R. Wladkowski</u> _____ KRISTINA WLADKOWSKI NOTARY PUBLIC STATE OF ALASKA MY COMMISSION EXPIRES ON JANUARY 23, 2029</p> <p></p>	

# Murkowski calls on legislators to make ‘legitimate fiscal plan’

*Senator says state can't count on war-driven oil price hikes to cover structural deficits*

MARI KANAGY AND IRIS SAMUELS  
Anchorage Daily News

U.S. Sen. Lisa Murkowski called on Alaska lawmakers to adopt a long-term fiscal plan amid shrinking federal budgets and dramatic swings in oil prices during her annual address to the Legislature in Juneau on March 31.

Murkowski told lawmakers that “Alaska will need a legitimate fiscal plan as the federal budget inevitably tightens.”

Federal GOP-led budget cuts are already hitting Alaska, which include transferring costs of a food assistance program to states and reducing federal spending on disaster response and prevention.

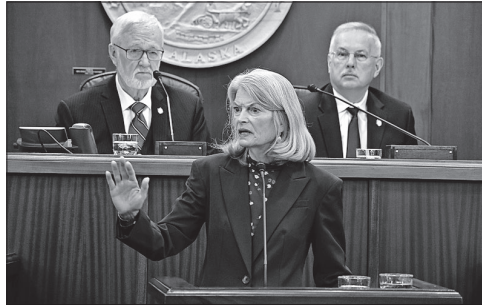
Murkowski, a Republican who has long been open to criticizing President Donald Trump and other members of her party, said March 31 that Alaska lawmakers can't count on war-driven oil price increases to cover the state's structural deficits in the long run.

“The windfall will only go so far and last so long,” said Murkowski. “We can't count on anyone or anything to bail us out of our fiscal woes. Only a long-term plan will truly end the cycle of a boom and bust.”

Gov. Mike Dunleavy earlier this year introduced a long-term plan that called for imposing a statewide sales tax in Alaska for the first time ever. That idea was opposed by communities in the state that already fund their local services with sales taxes. Alaska lawmakers have responded with a series of ideas of their own, including ones to increase taxes on oil and gas production in Alaska, but the prospects of a comprehensive fiscal plan passing in the current legislative session appear slim, with unforeseen oil revenue reducing pressure on lawmakers to take immediate action.

Murkowski has largely supported the war in Iran that led to the spike in global oil prices. But, on March 31, she said that she is working on a formal congressional authorization for the use of force in Iran, driven, she said, by her dissatisfaction with the information provided by the Trump administration on the aims of the war, calling classified information provided to senators “vague.”

Murkowski said congressional authorization for the war is needed now, because “we're no longer seeing a targeted



U.S. Sen. Lisa Murkowski delivers her annual speech to the Alaska Legislature on March 31 at the Capitol in Juneau, as Senate President Gary Stevens, left, and House Speaker Bryce Edgmon listen to her speech.

approach to the conflict in Iran.”

“Now there is growing speculation that, in fact, it may require boots on the ground. It may require a ground invasion. It may require special operations,” said Murkowski.

“It is not asking too much to have a clear mission articulated by the president and his secretary of defense. It is not asking too much to know whether we will see boots on the ground,” she said. “So an authorization of use of military force would put some guardrails, allow the president to execute his war plan, but would also require a level of reporting to the Congress.”

### ‘Right to demand info’

Murkowski struck a different tone from that of Alaska's other congressional delegation members — U.S. Sen. Dan Sullivan and U.S. Rep. Nick Begich — who pitched resource development, and particularly the Alaska natural gas pipeline project, as a solution to Alaska's fiscal woes during their annual speeches to the Legislature.

Murkowski told lawmakers that they have the “right to demand information” as they craft legislation governing the pipeline project, “not for one project developer, not just for one administration, but this is going to be right for the people of Alaska going forward.”

Unlike Sullivan and Begich, Murkowski said that a voting bill sought by congressional Republicans would disenfranchise Alaska voters.

Murkowski was the sole Republican in the Senate to vote earlier this month against advancing a GOP-backed voting bill called the SAVE Act, which requires voters to register by presenting proof of citizenship in person. In Alaska, that means traveling to one of the six Division of Elections offices throughout the state, she said.

The bill “was not intended to disenfranchise Alaskans who can rightly vote, but I fear that that could be its effect,”

Murkowski said.

### ‘Beset by chaos’

Murkowski said that the federal government itself is “beset by chaos.”

But she said, “there are areas where the state, also, is perhaps not meeting expectations.”

One of those areas, she said, is state matching funds, which are used to secure federal spending in the state. The topic has gained significant attention in recent months, after Dunleavy in June vetoed lawmakers' attempt to redirect existing state spending to match requirements for transportation projects, jeopardizing hundreds of millions in federal spending, primarily for Alaska road projects.

Dunleavy's veto kindled a monthslong effort by lawmakers to approve an alternate funding source for the state match requirement. Lawmakers finally approved one last week. As of Tuesday, Dunleavy has yet to sign it.

“When the delegation secures a federal allocation, we really need you to come through with your share in a timely manner,” Murkowski told lawmakers. “Sometimes it's not even a match. Sometimes it's hiring a couple employees to unlock federal dollars for our state.”

Murkowski repeated her longtime criticism of ferry funding under the Dunleavy administration. She said that a reliance on federal dollars to float the Alaska Marine Highway System is not a safe bet. That federal funding is a “lifeline, it's not an entitlement,” she said.

Murkowski was instrumental in creating the Ferry Service for Rural Communities Program in 2022, which since then has sent tens of millions annually toward the state's ferry operations. But the grant application window that the Dunleavy administration was expecting last year has not yet opened, leaving the state facing a \$78 million funding gap, nearly half its ferry operation

budget.

“It's not a good strategy to rely on a temporary, competitive federal grant program to cover 45% of our state's operating costs, all of which used to be paid for by the state,” Murkowski said.

Murkowski said she is also concerned about federal health care spending.

Murkowski, along with the other two Alaska delegates, voted in favor of the Republican budget reconciliation package, or the One Big Beautiful Bill, which included new requirements for Medicaid enrollees. The state Department of Health estimates that the requirements could result in more than 9,000 Alaskans losing Medicaid access.

Murkowski said she pushed for Alaska to receive a larger portion of funding under the newly-created Rural Health Transformation Fund to make up for the Alaskans who may “fall through the cracks” under the new Medicaid enrollment restrictions. Alaska's \$272 million allocation is the highest per capita allocation in the nation. The Dunleavy administration has taken charge of doling out the funds, with so far minimal involvement by lawmakers.

“The state needs to do dramatically better on this five-year effort than we did on ferries, just putting it out there, because if we don't, Alaska's funds can be redirected elsewhere, and we will miss a

generational opportunity to improve care,” Murkowski said.

### ‘Political will’

Murkowski, as a member of the Alaska Legislature 24 years ago, was facing a conundrum much like the one lawmakers face today.

With oil revenue insufficient to cover state expenses in 2002, a majority of the Alaska House — including Murkowski — approved a new income tax, only for the proposal to die in the Senate, which favored covering the state's expenses primarily by drawing from savings.

Murkowski, who during her 1999-2002 tenure in the Alaska House was a member of the “fiscal policy caucus,” said that at the time, “what we had coming in was not measuring up to our needs and what was going out, and we were reliant on oil that sometimes was up and sometimes was down.”

It's a familiar pattern in Alaska's fiscal policy.

“The more things change, the more they stay the same,” she told reporters on Tuesday.

“We know what the contours of a fiscal plan need to be. But political will to make it happen? Still waiting, 20 years later,” she said.

Reporter Mari Kanagy (mkanagy@adn.com) reported from Juneau and reporter Iris Samuels (isamuels@adn.com) reported from Anchorage.

**NOTICE OF INTENT TO APPLY FOR CLASS VI PRIMACY  
NOTICE OF PUBLIC HEARING  
STATE OF ALASKA  
ALASKA OIL AND GAS CONSERVATION COMMISSION**

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Thomas W. McKay                      Gregory C. Wilson  
Chair, Commissioner                      Commissioner

Pub: Apr. 9, 2026

**From:** [Coldiron, Samantha J \(OGC\)](#)  
**To:** [AOGCC Public Notices](#)  
**Subject:** [AOGCC\_Public\_Notices] Public Hearing Notice - Class VI Primacy Application  
**Date:** Thursday, April 9, 2026 9:21:47 AM  
**Attachments:** [Public Hearing Notice Class VI Primacy Application.pdf](#)

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## NOTICE OF INTENT TO APPLY FOR CLASS VI PRIMACY

*Samantha Coldiron*

AOGCC Special Assistant  
Alaska Oil and Gas Conservation Commission  
333 West 7<sup>th</sup> Avenue  
Anchorage, AK 99501  
(907) 793-1223

---

List Name: [AOGCC\\_Public\\_Notices@list.state.ak.us](mailto:AOGCC_Public_Notices@list.state.ak.us)

You subscribed as: [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov)

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v

STATUS: **Active**

## Alaska Oil and Gas Conservation Commission

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Chair, Commissioner

Gregory C. Wilson  
Commissioner

▼ **Attachments, History, Details**

**Attachments**  
None

**Revision History**

**Details**

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Category: Public Notices

Created 4/9/2026 10:22:23 AM by sjcoldiron

Sub-Category:

Location(s): Statewide

Project/Regulation #:

Publish Date: 4/9/2026

Archive Date: 5/14/2026

Events/Deadlines:



Department of Commerce, Community, and Economic Development  
Alaska Oil and Gas Conservation Commission

[State of Alaska](#) / [Commerce](#) / [Alaska Oil & Gas Conservation Commission](#) / [ccus](#)

# AOGCC CLASS VI PROGRAM

## ▼ Quick Navigation

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## **NEW:** [CCUS Adopted Regulations](#)

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## What is a Class VI Well?

Class VI wells are used to inject carbon dioxide (CO<sub>2</sub>) into deep rock formations. This long-term underground storage is called geologic sequestration (GS). Geologic sequestration, as part of carbon capture and storage (CCS), is a technology that can be used to reduce CO<sub>2</sub> emissions to the atmosphere and mitigate climate change.

Possible sources of CO<sub>2</sub> for GS include CO<sub>2</sub> captured from point source emissions, such as from an industrial facility (e.g., steel and cement production) or energy production (e.g., ethanol, hydrogen production, or power plants), as well as CO<sub>2</sub> captured directly from the atmosphere ([EPA - What is a Class VI Well](#))?

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## Class VI Events and Outreach

### Public Hearings

**May 14th, 2026 10:00AM - 12:00PM**

The Alaska Oil and Gas Conservation Commission (AOGCC) intends to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program.

[Public Hearing Notice](#)

[Alaska Class VI UIC Primacy Application](#)

## January 13, 2026 10:00AM - 12:00PM

The Alaska Oil and Gas Conservation Commission (AOGCC) proposes to adopt regulation changes in Title 20 Chapter 25 of the Alaska Administrative Code.

[Public Hearing Notice](#)

[Additional Regulation Notice Information](#)

[Proposed Regulatory Amendment](#)

▼ January 13, 2026 Public Comments

## November 7th, 2024 10:00AM - 12:00PM

The Alaska Oil and Gas Conservation Commission (AOGCC) is intending to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program.

[Public Hearing Notice](#)

▼ November 7th, 2024 Public Comments

## Public Meetings

### March 3, 2026 10:00AM - 12:00PM

The Alaska Oil and Gas Conservation Commission (AOGCC) proposes to hold a public meeting at the AOGCC Hearing Room. The purpose of the meeting is for AOGCC to consider for adoption the previously noticed and commented on regulations package. AOGCC will not take written or oral comments on the regulations project at this meeting.

[Public Meeting Notice](#)

[CCUS Regulations AOGCC Voted on to Adopt](#)

[CCUS Regulations Comments Responsiveness Summary](#)

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## Class VI Estimated Timeline

▼ Timeline Details

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## NOTICE OF AWARD SUMMARY

### State of Alaska Underground Injection Control Program for Class VI Wells

**Date Issued:** November 18, 2024

**Project Period:** October 1, 2024 - September 30, 2029

**Budget Period:** October 1, 2024 - September 30, 2029

**Total Federal Funds Awarded to Date for Project Period:** \$1,930,000.00

---

## ADDITIONAL RESOURCES

- [Biden-Harris Administration Announces State and Tribal Allocations for \\$48 Million in Grants to Pursue Primacy of Class VI wells](#)
- [For immediate release: Governor Dunleavy Signs Carbon Offset Legislation \(This also authorizes AOGCC to pursue primacy for Class VI wells\)](#)
- [Senate Bill 49: The Carbon Capture, Utilization, and Storage Act \(provides statute framework for AOGCC carbon storage regulations\)](#)
- [Link to EPA Resources](#)
- [Wells used for Geologic Sequestration of Carbon Dioxide](#)
- [GWPC: Compiled library of Class VI/CCUS information and research](#)
- [Alaska DNR's Carbon Capture, Utilization and Storage Hub Site](#)

## Underground Injection Control (UIC) Class VI Geologic Sequestration of Carbon Dioxide Program

Interested vendors can refer to the State of Alaska procurement website and **RFI 240000002** at [this link](#) for more information. Vendors are encouraged to enroll in the State's procurement process to be notified of additional and follow up opportunities to work with AOGCC.

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## Contact Us

### Questions for AOGCC?

For general questions or data inquiries, [email us at aogcc.customer.svc@alaska.gov](mailto:aogcc.customer.svc@alaska.gov) or call (907) 279-1433.

For website questions or issues, [email us at aogcc.web@alaska.gov](mailto:aogcc.web@alaska.gov).

If you or your organization would like to receive Public Hearing Announcements and copies of AOGCC Orders, [subscribe to our mailing list](#).

## Mission Statement

To protect the public interest in exploration and development of Alaska's valuable oil, gas, and geothermal resources through the application of conservation practices designed to ensure greater ultimate recovery and the protection of health, safety, fresh ground waters and the rights of all owners to recover their share of the resource.

Anchorage

## GOVERNMENT

### AOGCC Class VI primacy hearing set

The Alaska Oil and Gas Conservation Commission has scheduled a hearing May 14 on its intention to apply for Class VI primary enforcement authority from the U.S. Environmental Protection Agency.

This new primacy would be within the Underground Injection Control program for wells used for injection of carbon dioxide for long-term underground storage.

The commission said Section 1422 of the Safe Drinking Water Act requires implementation of a program as stringent as EPA's requirements for UIC programs and enforcement of UIC program requirements for protection of underground water.

If EPA grants the application, AOGCC would regulate the UIC program for all Class VI wells in Alaska.

The commission's proposed Class VI program application may be viewed at <https://www.commerce.alaska.gov/web/aogcc/ccus.aspx>.

The public hearing will be held May 14 at 10 a.m. at the commission's Anchorage offices. Written or oral comments may be submitted at the hearing, or in writing to AOGCC at 333 W. Seventh Ave., Anchorage, AK 99501 or at [aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov), and must be received by the conclusion of the May 14 hearing.

Audio call in information is 907-202-7104 conference ID 276 820 313#. Those wishing to participate using MS Teams video conference should contact AOGCC's Special Assistant Samantha Coldiron at [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov) at least two business days before the scheduled hearing to request an invitation for MS Teams.

—PETROLEUM NEWS

## EXPLORATION & PRODUCTION



### Additional facilities approved for Beluga

The Alaska Department of Natural Resources' Division of Oil and Gas has approved a unit plan of operations amendment application from Hilcorp Alaska for installation of additional facilities at J Pad in the Beluga River unit. The division said J Pad is on the west side of Cook Inlet some 2 miles south of the mouth of the Beluga River.

Hilcorp operates Beluga, currently Cook Inlet's largest natural gas producer, on behalf of itself and majority working interest owner Chugach Electric Association. In February, the most recent month for which Alaska Oil and Gas Conservation Commission production data are available, Beluga averaged 55,352 thousand cubic feet per day of natural gas, 26.36% of Cook Inlet production.

In its April 7 decision the division said Hilcorp's request is for "authorization to install surface and subsurface piping, along with associated infrastructure, on J Pad within the BRU to support the addition of an instrument air system."

Installation work includes a new equipment skid for an air compressor, instrument air piping, fuel gas piping and associated electrical and instrumentation cabling to connect skids to existing buildings, with piping and wiring installed to support systems operations.

Trenching some 3 feet deep and 3 feet wide will be required for subsurface piping installation and trenches will be backfilled following installation.

The division said all work would take place within the existing gravel pad footprint.

Plan activities include installation of new equipment skid, instrument air piping and fuel gas piping; installation of electrical and instrumentation cabling between skids and existing buildings; and installation of piping and wiring necessary to support systems operations.

—KRISTEN NELSON

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**From:** [Coldiron, Samantha J \(OGC\)](#)  
**To:** ["Knutson, David"](#)  
**Cc:** [Anderson, Bridget](#)  
**Subject:** RE: AOGCC Class VI HB 50 - ASRC comments  
**Date:** Thursday, April 9, 2026 9:57:00 AM  
**Attachments:** [Public Hearing Notice Class VI Primacy Application.pdf](#)  
[image001.png](#)

---

Please see the attached Public Hearing Notice of Intent to Apply for Class VI Primacy.

Regards,

*Samantha Coldiron*

AOGCC Special Assistant  
(907) 793-1223

---

**From:** Knutson, David <[dknutson@asrc.com](mailto:dknutson@asrc.com)>  
**Sent:** Thursday, November 7, 2024 8:46 AM  
**To:** AOGCC CCUS Program (CED sponsored) <[aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov)>  
**Cc:** Anderson, Bridget <[banderson@asrc.com](mailto:banderson@asrc.com)>  
**Subject:** Re: AOGCC Class VI HB 50 - ASRC comments

You don't often get email from [dknutson@asrc.com](mailto:dknutson@asrc.com). [Learn why this is important](#)

**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

ASRC is submitting formal comments to Alaska Oil and Gas Conservation Commission regarding carbon capture and storage regulations. See attached.

Thank you,



**David R. Knutson, PE**  
Sr. Director of Lands and Natural Resources  
Arctic Slope Regional Corporation  
[dknutson@asrc.com](mailto:dknutson@asrc.com)  
3900 C St., Suite 1003, Anchorage, AK 99503  
907-339-6025 (desk) | 907-382-4199 (mobile)  
[www.ASRC.com](http://www.ASRC.com)

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**From:** [Coldiron, Samantha J \(OGC\)](#)  
**To:** "Bee Long"  
**Subject:** RE: Public Comment Draft Regulations for Carbon Storage and Underground Injection Wells  
**Date:** Thursday, April 9, 2026 9:54:00 AM  
**Attachments:** [Public Hearing Notice Class VI Primacy Application.pdf](#)

---

Please see the attached Public Hearing Notice of Intent to Apply for Class VI Primacy.

Regards,

*Samantha Coldiron*

AOGCC Special Assistant  
(907) 793-1223

---

**From:** Bee Long <woodyfiber17@gmail.com>  
**Sent:** Thursday, December 11, 2025 8:55 PM  
**To:** Coldiron, Samantha J (OGC) <samantha.coldiron@alaska.gov>  
**Subject:** Public Comment Draft Regulations for Carbon Storage and Underground Injection Wells

You don't often get email from [woodyfiber17@gmail.com](mailto:woodyfiber17@gmail.com). [Learn why this is important](#)

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I support the requirement that a carbon dioxide well would not be permitted to contaminate drinking water aquifers. Wells would have to be tested and monitored for assurance.

I support that insurance or bonds be required to cover the costs of an accident.

I support the requirement that carbon dioxide wells be firmly capped when abandoned.

The costs should be covered by the applicant and not public monies.

Please confirm receipt of these comments.

Becky Long  
Talkeetna AK

**From:** [Coldiron, Samantha J \(OGC\)](#)  
**To:** "[Marlee Goska](#)"  
**Subject:** RE: ZendTo link for comment references?  
**Date:** Thursday, April 9, 2026 9:54:00 AM  
**Attachments:** [Public Hearing Notice Class VI Primacy Application.pdf](#)

---

Please see the attached Public Hearing Notice of Intent to Apply for Class VI Primacy.

Regards,

*Samantha Coldiron*

AOGCC Special Assistant  
(907) 793-1223

---

**From:** Marlee Goska <[mgoska@biologicaldiversity.org](mailto:mgoska@biologicaldiversity.org)>  
**Sent:** Thursday, January 8, 2026 12:54 PM  
**To:** Coldiron, Samantha J (OGC) <[samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov)>  
**Subject:** ZendTo link for comment references?

**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Samantha,

We are planning to submit comments on 1/13 in response to AOGCC's Notice of Proposed Changes on Carbon Storage and Underground Injection Control Class VI Wells in the Regulations of the Alaska Oil and Gas Conservation Commission.

Could you set up a ZendTo link so that I can submit the cited references as well?

Thank you,

Marlee

--

Marlee Goska (she/her)  
Alaska Staff Attorney  
Center for Biological Diversity  
(907) 931-4775  
[mgoska@biologicaldiversity.org](mailto:mgoska@biologicaldiversity.org)

**From:** [Coldiron, Samantha J \(OGC\)](#)  
**To:** "Cooper Freeman"  
**Subject:** RE: Comment Letter - Docket Number: R-24-002  
**Date:** Thursday, April 9, 2026 9:57:00 AM  
**Attachments:** [Public Hearing Notice Class VI Primacy Application.pdf](#)

---

Please see the attached Public Hearing Notice of Intent to Apply for Class VI Primacy.

Regards,

*Samantha Coldiron*

AOGCC Special Assistant  
(907) 793-1223

---

**From:** Cooper Freeman <[cfreeman@biologicaldiversity.org](mailto:cfreeman@biologicaldiversity.org)>  
**Sent:** Wednesday, November 6, 2024 4:29 PM  
**To:** AOGCC CCUS Program (CED sponsored) <[aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov)>  
**Cc:** Marlee Goska <[mgoska@biologicaldiversity.org](mailto:mgoska@biologicaldiversity.org)>  
**Subject:** Comment Letter - Docket Number: R-24-002

You don't often get email from [cfreeman@biologicaldiversity.org](mailto:cfreeman@biologicaldiversity.org). [Learn why this is important](#)

**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings,

Please see the attached comment letter for AOGCC Docket Number: R-24-002, Carbon Storage Facility Regulations, Class IV Primacy Application.

A copy of the letter and all references cited were submitted per instructions via the Alaska ZendTo link provided by Kayla Junke. Please let us know if you have any issues received the references.

Thank you,

Cooper

---

Cooper Freeman  
Alaska Director  
Center for Biological Diversity  
(907) 531-0703  
[cfreeman@biologicaldiversity.org](mailto:cfreeman@biologicaldiversity.org)

**From:** [Coldiron, Samantha J \(OGC\)](#)  
**To:** ["Ivy, Brooke \(Brooke\)"](#)  
**Cc:** [Balash, Joseph \(Joe\)](#); [Kohman, Kyle \(Kyle\)](#); [Janowski, Tyler \(Tyler\)](#)  
**Subject:** RE: Santos Comment on AOGCC's Carbon Storage and Class VI Program  
**Date:** Thursday, April 9, 2026 9:54:00 AM  
**Attachments:** [Public Hearing Notice Class VI Primacy Application.pdf](#)  
[image001.png](#)

---

Please see the attached Public Hearing Notice of Intent to Apply for Class VI Primacy.

Regards,

*Samantha Coldiron*

AOGCC Special Assistant  
(907) 793-1223

---

**From:** Ivy, Brooke (Brooke) <Brooke.Ivy@santos.com>  
**Sent:** Friday, January 9, 2026 2:28 PM  
**To:** Coldiron, Samantha J (OGC) <samantha.coldiron@alaska.gov>  
**Cc:** Balash, Joseph (Joe) <Joe.Balash@santos.com>; Kohman, Kyle (Kyle) <Kyle.Kohman@santos.com>; Janowski, Tyler (Tyler) <Tyler.Janowski@santos.com>  
**Subject:** Santos Comment on AOGCC's Carbon Storage and Class VI Program

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Good afternoon,

In response to the AOGCC's solicitation regarding proposed Carbon Storage and Class VI Program regulations, please see attached comments by Santos for your consideration. We appreciate the opportunity to engage.

Should any questions arise, please don't hesitate to reach out to Joe Balash ([Joe.Balash@santos.com](mailto:Joe.Balash@santos.com)) or Kyle Kohman ([Kyle.Kohman@santos.com](mailto:Kyle.Kohman@santos.com)).

Thank you kindly,

Brooke Ivy  
Senior Advisor Government Affairs

**Santos**

m: +1 (907) 615-7374 | e: [brooke.ivy@santos.com](mailto:brooke.ivy@santos.com)  
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**From:** [Coldiron, Samantha J \(OGC\)](#)  
**To:** "Ensrud, Janelle"  
**Cc:** [Connors, Kevin](#); [Hillix, Michael](#); [Peck, Wesley D.](#); [Frank Paskvan](#); [bjsheets2@alaska.edu](#)  
**Subject:** RE: [EXTERNAL]-RE: Letter of Support for Class VI Regulations  
**Date:** Thursday, April 9, 2026 9:52:00 AM  
**Attachments:** [Public Hearing Notice Class VI Primacy Application.pdf](#)

---

Please see the attached Public Hearing Notice of Intent to Apply for Class VI Primacy.

Regards,

*Samantha Coldiron*

AOGCC Special Assistant  
(907) 793-1223

---

**From:** Ensrud, Janelle <jensrud@undeerc.org>  
**Sent:** Tuesday, January 13, 2026 1:51 PM  
**To:** Coldiron, Samantha J (OGC) <samantha.coldiron@alaska.gov>  
**Cc:** Connors, Kevin <kconnors@undeerc.org>; Hillix, Michael <mhillix@undeerc.org>; Peck, Wesley D. <wpeck@undeerc.org>; Frank Paskvan <fpaskvan@alaska.edu>; bjsheets2@alaska.edu  
**Subject:** RE: [EXTERNAL]-RE: Letter of Support for Class VI Regulations

You don't often get email from [jensrud@undeerc.org](mailto:jensrud@undeerc.org). [Learn why this is important](#)

My apologies, Samantha,

Would you mind replacing the previous letter sent with the attached. We made one minor change.

Thank you so much!

Warm regards,

*Janelle Ensrud*

Sr. Project Management Specialist  
PCOR Partnership Event Coordinator & Partner Relations  
Energy & Environmental Research Center

---

**From:** Coldiron, Samantha J (OGC) <[samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov)>  
**Sent:** Tuesday, January 13, 2026 4:39 PM  
**To:** Ensrud, Janelle <[jensrud@undeerc.org](mailto:jensrud@undeerc.org)>  
**Cc:** Connors, Kevin <[kconnors@undeerc.org](mailto:kconnors@undeerc.org)>; Hillix, Michael <[mhillix@undeerc.org](mailto:mhillix@undeerc.org)>; Peck, Wesley D. <[wpeck@undeerc.org](mailto:wpeck@undeerc.org)>; Frank Paskvan <[fpaskvan@alaska.edu](mailto:fpaskvan@alaska.edu)>; Brent Sheets <[bjsheets2@alaska.edu](mailto:bjsheets2@alaska.edu)>

**From:** [Coldiron, Samantha J.\(OGC\)](#)  
**To:** "Santa Claus"  
**Subject:** RE: PUBLIC COMMENT: CARBON CAPTURE - DOCKET R-24-002 11-7-24 HEARING  
**Date:** Thursday, April 9, 2026 9:57:00 AM  
**Attachments:** [Public Hearing Notice Class VI Primacy Application.pdf](#)

---

Please see the attached Public Hearing Notice of Intent to Apply for Class VI Primacy.

Regards,

*Samantha Coldiron*

AOGCC Special Assistant  
(907) 793-1223

---

**From:** Santa Claus <[santaclaus@usa.net](mailto:santaclaus@usa.net)>  
**Sent:** Thursday, November 7, 2024 2:09 AM  
**To:** AOGCC CCUS Program (CED sponsored) <[aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov)>  
**Subject:** PUBLIC COMMENT: CARBON CAPTURE - DOCKET R-24-002 11-7-24 HEARING  
**Importance:** High

You don't often get email from [santaclaus@usa.net](mailto:santaclaus@usa.net). [Learn why this is important](#)

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November 7, 2024 at 02:10  
Hearing Comment submitted via email to:  
[aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov)

Jessie L. Chmielowski  
Commissioner  
STATE OF ALASKA  
ALASKA OIL AND GAS CONSERVATION COMMISSION  
RE: Docket Number: R-24-002  
Carbon Storage Facility Regulations  
Class VI Primacy Application

Commissioner Chmielowski:

Regarding CARBON CAPTURE, please consider my article published in the June 2024 edition of "Sierra Borealis" by the Sierra Club Alaska:

Alaska's Governor Mike Dunleavy supports carbon capture and storage technology and carbon tax credits as ways to boost short-term state revenue. But, he refuses to address the current climate catastrophe.

"The (Governor's) Carbon Management and Monetization Bill is part of a carbon management plan the governor unveiled last year that he said could earn the state hundreds of millions of dollars," according to Alaska Public Media (APM).

A major driver of climate change is the burning of fossil fuels that produces lots of carbon dioxide (CO<sub>2</sub>) released into our atmosphere. One method of keeping CO<sub>2</sub> out of the

**From:** [Coldiron, Samantha J \(OGC\)](#)  
**To:** ["Steve Schmitz"](#)  
**Subject:** RE: Carbon Storage  
**Date:** Thursday, April 9, 2026 9:56:00 AM  
**Attachments:** [Public Hearing Notice Class VI Primacy Application.pdf](#)

---

Please see the attached Public Hearing Notice of Intent to Apply for Class VI Primacy.

Regards,

*Samantha Coldiron*

AOGCC Special Assistant  
(907) 793-1223

---

**From:** Steve Schmitz <[schmitzsteve9@gmail.com](mailto:schmitzsteve9@gmail.com)>  
**Sent:** Thursday, August 22, 2024 11:42 PM  
**To:** AOGCC CCUS Program (CED sponsored) <[aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov)>  
**Subject:** Carbon Storage

You don't often get email from [schmitzsteve9@gmail.com](mailto:schmitzsteve9@gmail.com). [Learn why this is important](#)

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There are no less than 23 turbines between CGF and CCP in Prudhoe cranking out copious amounts of CO<sub>2</sub> in a relatively small footprint. In the heart of the most rapidly increasing zone of the globe of climate change. It would seem to me a good place to start grabbing CO<sub>2</sub> at the "stack" to not only address climate change but enhance production. After all... CO<sub>2</sub> is a solvent little different than MI.

Just sayin'

**From:** [Coldiron, Samantha J \(OGC\)](#)  
**To:** ["Steve Schmitz"](#)  
**Subject:** RE: Carbon Storage  
**Date:** Thursday, April 9, 2026 9:56:00 AM  
**Attachments:** [Public Hearing Notice Class VI Primacy Application.pdf](#)

---

Please see the attached Public Hearing Notice of Intent to Apply for Class VI Primacy.

Regards,

*Samantha Coldiron*

AOGCC Special Assistant  
(907) 793-1223

---

**From:** Steve Schmitz <[schmitzsteve9@gmail.com](mailto:schmitzsteve9@gmail.com)>  
**Sent:** Thursday, August 22, 2024 11:42 PM  
**To:** AOGCC CCUS Program (CED sponsored) <[aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov)>  
**Subject:** Carbon Storage

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There are no less than 23 turbines between CGF and CCP in Prudhoe cranking out copious amounts of CO<sub>2</sub> in a relatively small footprint. In the heart of the most rapidly increasing zone of the globe of climate change. It would seem to me a good place to start grabbing CO<sub>2</sub> at the "stack" to not only address climate change but enhance production. After all... CO<sub>2</sub> is a solvent little different than MI.

Just sayin'

**From:** [Coldiron, Samantha J \(OGC\)](#)  
**To:** "June Okada"  
**Subject:** RE: Comments for Carbon Storage Facility Regulations, Class VI Primacy Application / Docket Number: R-24-002  
**Date:** Thursday, April 9, 2026 9:56:00 AM  
**Attachments:** [Public Hearing Notice Class VI Primacy Application.pdf](#)

---

Please see the attached Public Hearing Notice of Intent to Apply for Class VI Primacy.

Regards,

*Samantha Coldiron*

AOGCC Special Assistant  
(907) 793-1223

---

**From:** June Okada <june@susitnarivercoalition.org>  
**Sent:** Friday, October 25, 2024 8:12 PM  
**To:** AOGCC CCUS Program (CED sponsored) <aogcc.ccus@alaska.gov>  
**Subject:** Comments for Carbon Storage Facility Regulations, Class VI Primacy Application / Docket Number: R-24-002

You don't often get email from [june@susitnarivercoalition.org](mailto:june@susitnarivercoalition.org). [Learn why this is important](#)

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October 25, 2024

The Alaska Oil and Gas Conservation Commission (AOGCC)  
333 west 7th Avenue  
Anchorage, AK 99501

Submitted electronically to [aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov)

Re: Docket Number: R-24-002  
Carbon Storage Facility Regulations  
Class VI Primacy Application

The Susitna River Coalition (SRC) is a community-based organization in Talkeetna dedicated to protecting the Susitna watershed and supporting the ecosystems and communities that rely on it. On behalf of our membership of 14,000 individuals, groups, and businesses, we submit these comments regarding the Alaska Oil and Gas Conservation Commission's (AOGCC) application for Class VI primacy from the EPA.

While carbon capture and storage (CCS) could play a role in reducing emissions, transferring regulatory oversight of Class VI wells to the AOGCC introduces significant risks. This shift could expose the state of Alaska to long-term liabilities, financial burdens, and environmental hazards while diverting focus from more

**From:** [Coldiron, Samantha J \(OGC\)](#)  
**To:** "[Allie Sargent](#)"  
**Subject:** RE: SRC Comment 2024200398  
**Date:** Thursday, April 9, 2026 9:53:00 AM  
**Attachments:** [Public Hearing Notice Class VI Primacy Application.pdf](#)

---

Please see the attached Public Hearing Notice of Intent to Apply for Class VI Primacy.

Regards,

*Samantha Coldiron*

AOGCC Special Assistant  
(907) 793-1223

---

**From:** Allie Sargent <[allie@susitnarivercoalition.org](mailto:allie@susitnarivercoalition.org)>  
**Sent:** Monday, January 12, 2026 3:00 PM  
**To:** Coldiron, Samantha J (OGC) <[samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov)>  
**Subject:** SRC Comment 2024200398

You don't often get email from [allie@susitnarivercoalition.org](mailto:allie@susitnarivercoalition.org). [Learn why this is important](#)

**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I would like to submit a written comment on behalf of the Susitna River Coalition on proposed regulation changes #2024200398.

Thank you,

--

Allie Sargent (she/her)  
Energy Policy and Community Advocate  
[Susitna River Coalition](#)



**From:** [Coldiron, Samantha J \(OGC\)](#)  
**To:** "Frank Paskvan"  
**Cc:** [Michael Hillix](#); [Peck](#); [Dr. Yin Zhang](#); [Brent Sheets](#); [Keith Hanneman](#); [Burton-Kelly, Matthew](#)  
**Subject:** RE: UAF-INE comments on AOGCC UIC Class VI Wells Proposed Regulations  
**Date:** Thursday, April 9, 2026 9:53:00 AM  
**Attachments:** [Public Hearing Notice Class VI Primacy Application.pdf](#)

---

Please see the attached Public Hearing Notice of Intent to Apply for Class VI Primacy.

Regards,

*Samantha Coldiron*

AOGCC Special Assistant  
(907) 793-1223

---

**From:** Frank Paskvan <fpaskvan@alaska.edu>  
**Sent:** Monday, January 12, 2026 2:41 PM  
**To:** Coldiron, Samantha J (OGC) <samantha.coldiron@alaska.gov>  
**Cc:** Michael Hillix <mhillix@undeerc.org>; Peck <wpeck@undeerc.org>; Dr. Yin Zhang <yzhang35@alaska.edu>; Brent Sheets <brent.sheets@alaska.edu>; Keith Hanneman <klhanneman@alaska.edu>; Lau, Jack J (OGC) <jack.lau@alaska.gov>; Roby, David S (OGC) <dave.robby@alaska.gov>; Wallace, Chris D (OGC) <chris.wallace@alaska.gov>; Burton-Kelly, Matthew <mburtonkelly@undeerc.org>  
**Subject:** UAF-INE comments on AOGCC UIC Class VI Wells Proposed Regulations

You don't often get email from [fpaskvan@alaska.edu](mailto:fpaskvan@alaska.edu). [Learn why this is important](#)

**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Samantha,

Would you include the following three files into the record for the Public Hearing for January 13, 2026, AOGCC's proposal to adopt regulation changes in Title 20 Chapter 25 of the Alaska Administrative Code?

Thank you,

- Frank

Frank Paskvan  
UAF INE Affiliate Professor  
<http://INE.UAF.EDU/Carbon>  
International Reservoir Technologies, Inc.

ALASKA OIL AND GAS CONSERVATION COMMISSION

In the Matter of the Commission's )  
Intention to Pursue Class VI Primacy. )  
\_\_\_\_\_ )  
Docket No.: R-24-002

PUBLIC HEARING

Anchorage, Alaska  
May 14, 2026  
10:00 o'clock a.m.

BEFORE: Tom McKay, Chairman  
Jessie Chmielowski, Commissioner  
Gregory Wilson, Commissioner

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## 1 P R O C E E D I N G S

2 (On record - 10:00 a.m.)

3 CHAIRMAN McKAY: Good morning. I will call  
4 this hearing to order. It is approximately 10:00 a.m.  
5 on Thursday, May 14th, 2026. I am Commissioner and  
6 Chair Tom McKay and with me is Commissioner Greg Wilson  
7 to my right and Commissioner Jessie Chmielowski to my  
8 left. The purpose of today's public hearing is to  
9 receive comments from the public on the Alaska Oil and  
10 Gas Conservation Commission's proposed Class VI primacy  
11 application.

12 Today's hearing is being held in person and via  
13 Microsoft Teams. The in-person location is the Alaska  
14 Oil and Gas Conservation Commission office at 333 West  
15 7th Avenue, Anchorage, Alaska. For those on Teams  
16 please be mindful of any background noise and make sure  
17 you are muted when you're not testifying or addressing  
18 the Commission.

19 If you require any special accommodation please  
20 contact Samantha Coldiron. She can be reached at 907-  
21 793-1223 or send her a message through the Microsoft  
22 Teams chat icon and she will do her best to accommodate  
23 you. If you wish to provide public comment today and  
24 if you haven't already done so please make sure to sign  
25 in on the sign in sheet.

1           Samantha Coldiron will be recording the  
2 hearing, Computer Matrix will be preparing the  
3 transcript. Upon completion and preparation of the  
4 transcript anyone desiring a copy will be able to  
5 obtain it by contacting Computer Matrix.

6           The notice of this hearing was published on the  
7 state of Alaska online notices website as well as the  
8 AOGCC's website and was sent through the AOGCC email  
9 listserv on April 9th, 2026. The AOGCC also published  
10 the notice in the Anchorage Daily News and Juneau  
11 Empire on April 8th, 2026, the Arctic Sounder, Homer  
12 News and Fairbanks News Miner on April 9th, 2026 and  
13 the Peninsula Clarion on April 10th, 2026.

14           The AOGCC intends to apply for a Class VI  
15 primary enforcement authority otherwise known as  
16 primacy from the United States Environmental Protection  
17 Agency or EPA as a new well class within the  
18 underground injection control program otherwise known  
19 as UIC. Class VI wells are used for injection of  
20 carbon dioxide for long term underground storage.  
21 Section 14.22 of the Safe Drinking Water Act requires  
22 primacy applicants to implement a program that is as  
23 stringent as EPA's requirements for UIC programs and to  
24 enforce UIC program requirements that protects  
25 underground sources of drinking water from

1     endangerment.

2             To date the AOGCC has received written comments  
3     from a joint comment submitted by the Center for  
4     Biological Diversity, the Alaska Center, Cook Inlet  
5     Keeper, Alaska Community Action on Toxins, Fairbanks  
6     Climate Action Coalition, Alaska Wilderness League,  
7     Native Movement and the Northern Alaska Environmental  
8     Center. As a reminder written comments will be  
9     accepted until the conclusion of today's hearing.  
10    Copies of the proposed application are available online  
11    at the AOGCC's website. All comments will become part  
12    of the public record so please do not include any  
13    information you do not want made public.

14            Before taking public testimony, Commissioner  
15    Chmielowski, do you have any questions?

16            COMMISSIONER CHMIELOWSKI: No, thank you.

17            CHAIRMAN McKAY: Commissioner Wilson, do you  
18    have any questions?

19            COMMISSIONER WILSON: I do not.

20            CHAIRMAN McKAY: Okay. Thank you. So now  
21    we'll move to in-room public comments. First we will  
22    open the floor to anyone present here in the room and  
23    then we will take comments from people online. If you  
24    submitted a written comment already it is not necessary  
25    to read them for the record, but you are welcome to

1 make testimony for the record. In order for the  
2 hearing to run smoothly and to afford an opportunity to  
3 anyone who may wish to provide comment, all comments  
4 must remain on topic and be no longer than five  
5 minutes. The AOGCC may request your comment be  
6 submitted in writing if it is extensive. For those  
7 providing comments please remember to speak into the  
8 microphone and state your names clearly for the record.

9 So I believe we have one person from the DNR  
10 here, but it says they do not wish to testify. So is  
11 there anyone in the room that wishes to testify?

12 (No comments)

13 CHAIRMAN McKAY: All right. Seeing none, is  
14 there anyone on the phone or on Teams who wishes to  
15 comment?

16 (No comments)

17 CHAIRMAN McKAY: I'm not hearing of any. If  
18 not, then we will proceed to Teams. If you do wish to  
19 testify you need to use the code asterisk, six if you  
20 have dialed in. If anyone has technical difficulties  
21 Samantha Coldiron can be reached at 907-793-1223 or you  
22 can call the AOGCC main number at 907-279-1433. We  
23 will pause now for 60 seconds to allow people to unmute  
24 and let us know they're online.

25 (Pause)

1 CHAIRMAN McKAY: Okay. That's the duration of  
2 60 seconds and we still have no one to testify online  
3 or by phone. So I'd like to thank everyone who has  
4 participated and made comments.

5 Any additional comments from Commissioner  
6 Chmielowski?

7 COMMISSIONER CHMIELOWSKI: No, thank you.

8 CHAIRMAN McKAY: Commissioner Wilson?

9 COMMISSIONER WILSON: No, thank you.

10 CHAIRMAN McKAY: Hearing no other business the  
11 time is 10:10 a.m. and this hearing is now adjourned.

12 Thank you.

13 (Off record - 10:10 a.m.)

14 (END OF PROCEEDINGS)

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TRANSCRIBER'S CERTIFICATE

I, Salena A. Hile, hereby certify that the foregoing pages numbered 02 through 08 are a true, accurate, and complete transcript of proceedings in Docket No.: R-24-002, transcribed under my direction from a copy of an electronic sound recording to the best of our knowledge and ability.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SALENA A. HILE, (Transcriber)

**THE ALASKA CENTER • ALASKA COMMUNITY ACTION ON TOXICS • ALASKA  
PUBLIC INTEREST RESEARCH GROUP • CENTER FOR BIOLOGICAL DIVERSITY  
• COOK INLETKEEPER • FAIRBANKS CLIMATE ACTION COALITION**

May 13, 2026

Submitted via ZendTo and email to [aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov)  
cc: [samantha.coldiron@alaska.gov](mailto:samantha.coldiron@alaska.gov)

Thomas W. McKay, Commissioner  
Gregory C. Wilson, Commissioner  
Alaska Oil and Gas Conservation Commission  
cc: Samantha Coldiron, Special Assistant  
333 West 7th Avenue  
Anchorage, AK 99501

**RECEIVED**

By Samantha Coldiron at 3:16 pm, May 13, 2026

**Re: Notice of Intent to Apply for Class VI Primacy - Notice of Public Hearing  
State of Alaska, Alaska Oil and Gas Conservation Commission**

Dear Alaska Oil and Gas Conservation Commission:

The Alaska Center, Alaska Community Action on Toxics, Alaska Public Interest Research Group, Center for Biological Diversity, Cook Inletkeeper, and Fairbanks Climate Action Coalition provide the following comments on the Alaska Oil and Gas Conservation Commission's ("AOGCC" or "Commission") "Notice of Intent to Apply for Class VI Primacy, Notice of Public Hearing."<sup>1</sup> We reiterate and incorporate by reference both the scoping comments we previously submitted to Docket Number: R-24-002 concerning the Commission's intent to pursue Class VI primacy for carbon dioxide ("CO<sub>2</sub>") injection wells<sup>2</sup> and the comments submitted on January 13, 2026, concerning the Commission's proposed changes to Title 20 Chapter 25 of the Alaska Administrative Code.<sup>3</sup>

We do not believe that the AOGCC's final regulations and Response to Comments adequately resolve the issues we raised in previous comments. We highlight some of those unresolved issues below. We therefore urge the Commission not to move forward with the submission of its Class VI primacy application.

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<sup>1</sup> Alaska Oil and Gas Conservation Commission, *Notice of Intent to Apply for Class VI Primacy, Notice of Public Hearing* (April 9, 2026), accessible online at:

<https://www.commerce.alaska.gov/web/Portals/18/pub/Events/Public%20Hearings/2026/2026-05-14/Public%20Hearing%20Notice%20Class%20VI%20Primacy%20Application.pdf>.

<sup>2</sup> Comment by Alaska Center et al., *Re: Notice of Public Scoping* (November 6, 2024), accessible online at:

[https://www.commerce.alaska.gov/web/Portals/18/pub/CCUS/Public%20Scoping%20Comments/2024-11-07/Center%20for%20Biological%20Diversity%20AK%20Class%20VI%20Primacy%20Scoping%20Comment\\_AK%20CCUS%20received110724.pdf](https://www.commerce.alaska.gov/web/Portals/18/pub/CCUS/Public%20Scoping%20Comments/2024-11-07/Center%20for%20Biological%20Diversity%20AK%20Class%20VI%20Primacy%20Scoping%20Comment_AK%20CCUS%20received110724.pdf).

<sup>3</sup> Comment by Alaska Center et al., *Re: Proposed changes to regulations in Title 20 Chapter 25 of the Alaska Administrative Code dealing with carbon storage as it relates to Class VI wells, and establishing a new Class VI Underground Injection Control program for Alaska* (Jan. 13, 2026), assessable online at:

<https://www.commerce.alaska.gov/web/Portals/18/pub/CCUS/Public%20Scoping%20Comments/2026-01-13/Center%20for%20Biological%20Diversity%20Comments%20on%20CCUS%20Draft%20Regs.pdf>.

## **I. Funding remains inadequate and uncertain to cover the technical expertise and implementation necessary for a Class VI permitting program.**

Class VI permits are complex and highly technical, covering activities spanning decades, including pre-injection, injection, and post-injection. Typically, EPA takes nearly two years to review and issue a draft Class VI permit.<sup>4</sup> Class VI primacy would require the Commission to hire new staff with high levels of technical expertise, expend significant funds, and commit to ongoing monitoring and enforcement. The State of Alaska does not have the financial or staffing resources to successfully carry out a Class VI injection well permitting program. The Commission’s regulations and Response to Comments have not adequately addressed this concern.

In EPA’s own words to Congress, “[geologic storage] is a complex process that is highly dependent on site-specific conditions; therefore, *a robust and comprehensive permit application and permit review process is fundamental* to preventing endangerment of [underground sources of drinking water] from these activities.”<sup>5</sup> EPA Region 9, for example, hires outside consultants and works with the U.S. Department of Energy’s National Energy Technology Lab to assist with its Class VI permit application review process. The technical expertise to permit Class VI wells is distinct from oil and gas permitting.

The need to bring in additional and new technical expertise in order to responsibly assume the review of Class VI permits, as well as the significant cost to do so, is a huge barrier for Alaska. The state is reckoning with a financial crisis<sup>6</sup> and executive agencies have been under a statewide hiring freeze since May 2025.<sup>7</sup> Another example of the state’s inability to effectively implement and carry out a relatively simple program is the recent fine of \$11.9 million imposed by the U.S. Department of Agriculture’s Food and Nutrition Service for the state’s failure to properly verify eligibility of benefit recipients.<sup>8</sup> While each of these examples relates to programs that are very different than reviewing Class VI permit applications, they demonstrate a pattern of the state’s inability to adequately administer relatively simple, albeit high volume, functions. It is irresponsible for the state to pursue authority to administer Class VI permitting decisions and take on that responsibility without ensuring proper program oversight, technical expertise and implementation; doing so would jeopardize the health and safety of Alaska’s residents.

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<sup>4</sup> White House Environmental Justice Advisory Council, *Carbon Management Recommendations, Report 2*, at 40 (2024) <https://www.epa.gov/system/files/documents/2024-10/whejac-carbon-management-recommendations-october-2024.pdf>

<sup>5</sup> Environmental Protection Agency, *EPA Report to Congress: Class VI Permitting* 19 (2022) (emphasis added), <https://www.epa.gov/system/files/documents/2022-11/EPA%20Class%20VI%20Permitting%20Report%20to%20Congress.pdf>.

<sup>6</sup> Alaska Legislative Finance Division, *The Fiscal Year 2025 Budget: Legislative Fiscal Analyst’s Overview of the Governor’s Request 7* (2023), <https://www.legfin.akleg.gov/Overview/Overview2025.pdf>.

<sup>7</sup> Administrative Order No. 358, <https://gov.alaska.gov/admin-orders/administrative-order-no-358/>.

<sup>8</sup> Eric Stone, *USDA Fines Alaska \$11.9M for Failing to Ensure SNAP Recipients are Eligible*, Alaska Public Media (Jun. 28, 2024), <https://alaskapublic.org/2024/06/28/usda-fines-alaska-11-9-million-for-failing-to-ensure-snap-recipients-are-eligible/>. The state has also repeatedly struggled with backlogs in the Supplemental Nutrition Assistance Program and Heating Assistance Program applications, which have recently had backlogs of 12,000 and 2,000 applications, respectively. Claire Stremple, *State Lags in Heating Assistance Payments to Alaskans with Low Incomes, Catches up on Food Stamps*, Alaska Beacon (Mar. 5, 2024), <https://alaskabeacon.com/briefs/state-lags-in-heating-assistance-payments-to-alaskans-with-low-incomes-catches-up-on-food-stamps/>.

The Commission’s Response to Comments from March 2026 on Class VI funding is unavailing. There, the Commission claims:

AOGCC was initially funded with a two-year appropriation from the legislature. AOGCC has received a \$1.93 million grant award from EPA for the pursuit of Class VI primacy. **This award is for 5 years duration.** AOGCC **also anticipates** an annual EPA award similar to the Class II annual award, for ongoing program participation and reporting etc. By the design of the Alaska legislature, Alaska Statutes codified at 41.06.105-210 require the carbon storage facility program to be **user pays (industry) through a set of funding mechanisms** including application fees and injection surcharges. The AOGCC is confident that the funding is sufficient for AOGCC to implement the program with existing staff, additional staff, and expert consultants on an as needed basis.<sup>9</sup>

The bolded sections above raise serious concerns because they are speculative and do not provide adequate assurances that the state will have funding to effectively review complex Class VI applications and enforce permit violations. First, while AOGCC may have received a five-year EPA primacy grant, that funding ends three years from now in 2029.<sup>10</sup> That AOGCC “anticipates an annual award” to arrive at some other, unnamed date appears to be wishful thinking, as the agency provides no factual basis for this belief. Then, AOGCC asserts that it expects application and injection fees to cover needed expenses. But per the final regulations, an application fee is flexible—meaning, it is determined in the course of the conversation between the applicant and the agency.<sup>11</sup> The same goes with injection fees.<sup>12</sup> In other words, AOGCC does not—and cannot—know what its possible revenue from Class VI projects may be based on fees because those are determined on a project-by-project basis. For such an expensive program, simply hoping that these fees will cover expenses of thorough application review and later enforcement simply is not enough. Moreover, the agency is setting up a perverse incentive to approve most any project application; i.e., it is hard to see how AOGCC would deny a Class VI permit application, even for an especially risky or dangerous project, because apparently future funding depends on projects injecting CO<sub>2</sub>.

These funding uncertainties and perverse incentives make pursuing and approving Class VI primacy inappropriate.

## **II. Alaska’s fee-shifting statute and rules discourage citizen oversight lawsuits and undermine key elements of the SDWA.**

Alaska’s fee-shifting rules effectively neutralize the SDWA’s citizen suit provisions and are in stark contrast to the meaningful citizen engagement found in the federal regime. This is a weak point in the present Class VI primacy application that the Commission should remedy in the

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<sup>9</sup> AOGCC Response to Comments on Proposed CCUS Regulations (March 3, 2026) at 19 (emphasis added).

<sup>10</sup> AOGCC, Class VI Program, Notice of Award Summary, <https://www.commerce.alaska.gov/web/aogcc/ccus/Home.aspx>; see Petroleum News, CCUS regs update for Senate Resources (Feb. 2025), <https://www.petroleumnews.com/story/2025/02/09/news/ccus-regs-update-for-senate-resources/40606.html>.

<sup>11</sup> 20 AAC 25.1100(c)(1).

<sup>12</sup> 20 AAC 25.1280.

interest of justice for Alaskans. This shortcoming may also ultimately prove to be an obstacle to the Commission's primacy bid.

The SDWA explicitly allows private citizens to take legal action against EPA in the public interest to protect resources such as drinking water if the agency has violated statutory provisions.<sup>13</sup> This litigation has been instrumental to ensuring agency fidelity to the purposes of the SDWA and other environmental statutes.<sup>14</sup> This tool for agency accountability is financially feasible because, though courts may award prevailing or substantially prevailing parties fees as the court deems appropriate,<sup>15</sup> federal courts only award attorney's fees to defendants in rare circumstances.<sup>16</sup>

While Alaskan courts also have the discretion to adjust fees, Alaska law prescribes what is effectively the inverse of federal practice. Under Alaska law, unsuccessful plaintiffs are required to pay *both* their own fees and part of the prevailing party's fees by default.<sup>17</sup> This unpredictable system fails to provide assurance to public interest plaintiffs that they will be insulated from having to pay defendants' fees. No other state in the nation so broadly saddles public interest litigants in civil cases with such high financial risk for seeking to hold their government accountable to the law. In fact, many other states protect similarly situated litigants, as does the federal government.

The result of Alaska's fee-shifting rule is a chilling of public interest litigation. This is incompatible with the citizen enforcement provisions of the SDWA. The fee-shifting rule disempowers Alaskans by taking away an important tool for government accountability that is baked into the SDWA. Such accountability is vital in a complex regulatory regime with potentially grave consequences for Alaskan communities and the state's sensitive environment.

In its response to an identical concern raised in a prior comment, the Commission stated:

The AOGCC appreciates your comment. This comment relates to matters outside AOGCC authority or the proposed regulations. The AOGCC believes that the concerns expressed are unlikely as the AOGCC has proposed regulations that implement state law and are at least as stringent as the corresponding federal requirements.<sup>18</sup>

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<sup>13</sup> 42 U.S.C. § 300j-8.

<sup>14</sup> Florio, K.D., *Attorney's Fees in Environmental Citizen's Suits: Should Prevailing Defendants Recover?*, 27 BOSTON COLLEGE ENV. AFFAIRS L. REV. 707, 709 (2000).

<sup>15</sup> 42 U.S.C. § 300j-8(d).

<sup>16</sup> C. Kinley, *The Water is on Fire: Current Circuit Approaches to Fee-Shifting in Citizen-Suits Under the Clean Water Act and the Need for Clearer and More Uniform Standards*, 46 WM. & MARY ENV'T L. & POL'Y REV. 521 (2022).

<sup>17</sup> Alaska R. Civ. P. 82 (requiring partial fee shifting against the losing party in civil cases); Alaska R. App. P. 508(e)(4) (requiring partial fee shifting against the losing party in appeals from agency action). The only exception is where a plaintiff brings a claim in the public interest under the Alaska Constitution or U.S. Constitution. AS 09.60.010(c).

<sup>18</sup> Alaska Oil and Gas Conservation Commission, *AOGCC Response to Comment on Proposed CCUS Regulations*, 21 (Mar. 3, 2026), accessible online at:

<https://www.commerce.alaska.gov/web/Portals/18/pub/Events/Public%20Meetings/2026/2026-03-03/CCUS%20Regulations%20Comments%20Responsiveness%20Summary.pdf>.

The Commission’s response only highlights the need to delay consideration of Class VI primacy until the current legal framework allows for adequate administration of the Class VI program. The fact that the Commission sees the fee-shifting statute as outside the scope of its authority does nothing to make it less injurious to the Class VI program the agency seeks to administer. Said another way, the Commission may not hold all the pieces to the primacy puzzle, but that does not alter the fact that the puzzle must be complete for a successful application. To obtain primacy, the State of Alaska must demonstrate that it has a sufficient legal framework in place to ensure all aspects of the Class VI program, including the SDWA’s provision for citizen suits. If a necessary aspect of that framework is not in place, the Commission is responsible for working with fellow governmental bodies and branches to fill the gap.

Our state’s fee-shifting rule is just such a gap and must be properly addressed before the state’s legal framework is adequate to support primary enforcement authority over Class VI UIC wells.

### **III. CCS is dangerous, energy-intensive, and ineffective.**

The science is clear that renewable energy and energy storage projects are needed to avert a climate catastrophe.<sup>19</sup> CCS diverts resources from that goal. Moreover, after billions of dollars of investment and subsidies, and decades of development, CCS projects around the world have failed to meet their greenhouse gas emission reduction promises.<sup>20</sup>

Already throughout Alaska, public health and safety, fish and wildlife, and critical infrastructure are being damaged by flooding, erosion, and permafrost degradation.<sup>21</sup> There is no doubt that our state is facing significant climate-related challenges, and investing in energy-intensive, risky, expensive, and ineffective technologies like CCS will only cause further harm to Alaskans and the environment.

While the Commission’s approved Class VI regulations are meant to be at least as stringent as federal Class VI regulations, the inescapable fact is Class VI regulations arise under the SDWA—an important law, but one focused on protection of underground sources of drinking water. In other words, by its nature, Class VI regulations focus only on portions of a CCS project’s impacts—not the entire array of health, safety, and environmental risks. Because these risks are great (and potentially deadly), it is simply not worth proceeding with primacy (and CCS at all in Alaska).

### **CCS projects endanger public health and safety, and perpetuate environmental injustice.**

Transporting and storing CO<sub>2</sub> will likely require a massive network of perilous pipelines connected to underground injection sites. Both pipelines and injection sites can leak or rupture. This is especially concerning because CO<sub>2</sub> is an asphyxiant that’s heavier than air, and it can

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<sup>19</sup> The Department of Energy’s research shows that there are enough renewable energy and storage projects proposed across the country to hit 80% of President Biden’s 100% non-fossil energy goal years ahead of schedule. Dep’t of Energy, Queued Up... But in Need of Transmission 1 (2022), <https://www.energy.gov/sites/default/files/2022-04/Queued%20Up%E2%80%A6But%20in%20Need%20of%20Transmission.pdf>.

<sup>20</sup> Bruce Robertson & Milad Mousavian, The Carbon Capture Crux: Lessons Learned at 71-76 (2022), <https://ieefa.org/sites/default/files/2022-09/The%20Carbon%20Capture%20Crux.pdf>.

<sup>21</sup> Henry P. Huntington et al., Fifth National Climate Assessment: Chapter 29 Alaska 29-5 (2023); Mika Rantanen et al., The Arctic has Warmed Nearly Four Times Faster than the Globe Since 1979, 3 Communications Earth & Env’t 168, 2 (2022).

travel large distances at lethal concentrations after a rupture.<sup>22</sup> An environmental assessment for one recently proposed CCS project acknowledged that “fatalities” of workers at a nearby farm could result from a CO<sub>2</sub> leak at the project site.<sup>23</sup>

Existing CCS infrastructure has already harmed people and the environment, including the February 2020 CO<sub>2</sub> pipeline rupture in Satartia, Mississippi.<sup>24</sup> In that incident, individuals miles away from the leak began foaming at the mouth and suffocating, not knowing that they were in a potentially deadly CO<sub>2</sub> cloud.<sup>25</sup> Combustion-engine cars stopped working because of the oxygen displacement, hindering evacuation and emergency response.<sup>26</sup>

The federal pipeline regulator, PHMSA, launched a rulemaking after the Satartia incident to improve CO<sub>2</sub> pipeline regulations.<sup>27</sup> In its rulemaking, PHMSA said that it “expects development of a much more extensive [CO<sub>2</sub>] pipeline network that will result . . . in an increased frequency of [CO<sub>2</sub>] pipeline accidents per mile” and that the “public safety and environmental consequences from those accidents [will] more closely resemble those experienced . . . in the accident at Satartia, Mississippi.”<sup>28</sup>

Regarding Class VI primacy specifically, the White House Environmental Justice Advisory Council (WHEJAC),<sup>29</sup> more than 500 organizations nationwide,<sup>30</sup> and the 1,500-group Climate Action Network<sup>31</sup> have raised alarms about CCS for its impacts named above and for perpetuating harms in frontline and environmental justice communities, including Tribes. As recently as October 2024, the WHEJAC asked EPA to “suspend delegation of primary enforcement authority for UIC Class VI programs until it has made a determination that each state has achieved full compliance with applicable rules and authorities, including public participation requirements.”<sup>32</sup>

Remote Alaska Native communities have been particularly affected by environmental injustices, including the conveyance of contaminated Alaska Native Claims Settlement Act lands, declining

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<sup>22</sup> Pipeline Safety Trust, Carbon Dioxide Pipelines, <https://pstrust.org/carbon-dioxide-pipelines/>.

<sup>23</sup> Kern County California, Environmental Impact Statement review for CarbonFrontier Project (2023) at 4.9-54, <https://ceqanet.lci.ca.gov/2023060293>.

<sup>24</sup> Dan Zegart, The Gassing of Satartia, HUFFINGTON POST (Aug. 26, 2021), [https://www.huffpost.com/entry/gassing-satartia-mississippi-co2-pipeline\\_n\\_60ddea9fe4b0ddef8b0ddc8f](https://www.huffpost.com/entry/gassing-satartia-mississippi-co2-pipeline_n_60ddea9fe4b0ddef8b0ddc8f).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> See PHMSA, <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2025-01/PHMSA%20Notice%20of%20Proposed%20Rulemaking%20for%20CO2%20Pipelines%20-%20202137-AF60.pdf>.

<sup>28</sup> *Id.* at 30.

<sup>29</sup> White House Environmental Justice Advisory Council, Final Recommendations: Justice40 Climate and Economic Justice Screening Tool & Executive Order 12898 Revisions 59 (2021) <https://www.epa.gov/sites/default/files/2021-05/documents/whiteh2.pdf> (listing CCS and CCUS as examples of projects that will not benefit communities).

<sup>30</sup> Letter from 350.org et al. to President Joseph R. Biden, Jr., House Speaker Nancy Pelosi, & Senator Charles Schumer (July 19, 2021), [https://www.ciel.org/wp-content/uploads/2021/07/CCS-Letter\\_FINAL\\_US-1.pdf](https://www.ciel.org/wp-content/uploads/2021/07/CCS-Letter_FINAL_US-1.pdf).

<sup>31</sup> Climate Action Network, *Position: Carbon Capture, Storage and Utilisation* (2021)

[https://climatenetwork.org/wp-content/uploads/2021/01/can\\_position\\_carbon\\_capture\\_storage\\_and\\_utilisation\\_january\\_2021.pdf](https://climatenetwork.org/wp-content/uploads/2021/01/can_position_carbon_capture_storage_and_utilisation_january_2021.pdf).

<sup>32</sup> White House Environmental Justice Advisory Council, *Carbon Management Recommendations, Report 2 16* (2024) <https://www.epa.gov/system/files/documents/2024-10/whejac-carbon-management-recommendations-october-2024.pdf> [hereinafter *WHEJAC Report 2*].

fish stocks, as well as climate-induced storms, erosion, flooding, and thawing permafrost. Inviting CCS projects into the state would threaten the health and safety of all residents, but remote Alaska Native villages that are at the forefront of climate change and rely on a healthy environment for their food security are most vulnerable.

Many of the concerns regarding CCS and CO<sub>2</sub> storage are inherent to such projects regardless of jurisdiction, but they are significantly elevated by the possibility of state regulators obtaining Class VI primacy.

Relatedly, Alaska has not demonstrated it has the expertise to effectuate environmental justice principles and practices in Class VI permitting. In 2023, EPA released guidance on how to work towards environmental justice in the context of Class VI permitting and primacy.<sup>33</sup> That document required that permit issuers identify, analyze, and address environmental justice concerns in the context of implementing and overseeing Class VI permitting and show how it will do so in its Class VI primacy application.<sup>34</sup>

There are many reasons that environmental justice compliance will be challenging in Alaska, including the presence of 229 federally-recognized Alaska Native Tribes and the multitude of remote off-the-road-system communities, including many where an Indigenous language like Yup'ik or Iñupiaq, rather than English, is primarily spoken. Showing that it can meet EPA's environmental justice guidance will be even more substantial of a hurdle for Alaska than many other states and one that the state cannot legitimately hope to overcome without a radical shift in its practices and priorities.

**CO<sub>2</sub> leaks endanger plants, animals, and ecosystems.** Just as CO<sub>2</sub> can harm and cause fatalities with people, the same is true with animals. For example, in 1986, a sudden, catastrophic release of CO<sub>2</sub> from Lake Nyos in Cameroon killed 1,700 people and 3,000 cattle.<sup>35</sup> The CO<sub>2</sub> spread 10 km from the lake and bird, insect, and small mammal populations were not seen in the area for at least 48 hours after the event.<sup>36</sup> Additionally, experiments with controlled injections of CO<sub>2</sub> into soil showed adverse effects on plants in response to CO<sub>2</sub> exposure.<sup>37</sup> Biomass changes were seen in all plants studied; for example, clover plants decreased by 79% while grass decreased by 42%.<sup>38</sup> The researchers' overarching conclusion was that elevated concentrations of soil CO<sub>2</sub> damages both soil microbiology and growing vegetation.<sup>39</sup>

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<sup>33</sup> Memorandum from E.P.A. Administrator Radhika Fox, *Re: Environmental Justice Guidance for UIC Class VI Permitting and Primacy* (Aug. 17, 2023), [https://www.epa.gov/system/files/documents/2023-08/Memo%20and%20EJ%20Guidance%20for%20UIC%20Class%20VI\\_August%202023.pdf](https://www.epa.gov/system/files/documents/2023-08/Memo%20and%20EJ%20Guidance%20for%20UIC%20Class%20VI_August%202023.pdf) [hereinafter *EPA EJ Guidance*].

<sup>34</sup> *Id.* (“Additionally, UIC well owners/operators should consider this guidance when developing permit applications. EPA Regions are encouraged to work collaboratively and proactively with state, tribal, and local partners to facilitate their consideration and application of this guidance in their UIC permitting actions.”).

<sup>35</sup> George W. Kling et al., The 1986 Lake Nyos Gas Disaster in Cameroon, West Africa, 236 *SCIENCE* 169 (1987).

<sup>36</sup> *Id.*

<sup>37</sup> Karon L. Smith et al., Environmental Impacts of CO<sub>2</sub> Leakage: Recent Results from the ASGARD Facility, UK, 37 *ENERGY PROCEDIA* 791 (2013).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

Other research on CO<sub>2</sub> and plants showed reduced plant growth and extensive mortality at the point where CO<sub>2</sub> concentrations were greatest in the soil.<sup>40</sup> For the plants that survived, root and shoot growth was significantly lower than in controls.<sup>41</sup> Reproductive variables such as number of seeds per plant and seed dry weight per plant were also reduced compared to controls.<sup>42</sup>

Alaska is home to a variety of plants, fish, and wildlife, each of which contribute to rich, biodiverse ecosystems. Many of the species that call our state home are already struggling with the effects of climate change, human disturbances, overfishing, oil spills, and habitat fragmentation. Protecting the species that call Alaska home is inherently important and critical to the wellbeing of our state. The wellbeing of Alaska's fish, wildlife, lands, and waters is also critically important for the social, cultural, spiritual, and economic and wellbeing and survival of its people, especially Alaska Native people, who have relied on subsistence practices to sustain customary and traditional ways of life since time immemorial.<sup>43</sup> As the Department of Fish and Game notes on its website, "[w]ildlife is one reason why people live in Alaska, and a big reason why visitors come to Alaska."<sup>44</sup> The state must not risk damage to the precious and fragile ecosystems of the state, which so many Alaskans rely on, by encouraging and enabling dangerous CCS projects.

**CCS is highly energy-intensive.** In addition to being ineffective as a pollution control technology, CCS operations are energy-intensive—meaning CCS could strain Alaska's utilities and drive-up energy prices for residents. CCS projects often result in an "energy penalty" from the extra energy required to run a capture process or the amount of energy spent when compared to the energy generated.<sup>45</sup> One study showed the energy penalty of CCS increases the fuel requirement for electricity generation by 11-40%.<sup>46</sup> In a real-world example, one CCS project proposed building its own 23MW gas-fired powerplant just to compress the CO<sub>2</sub> for injection.<sup>47</sup> Another project estimated its energy demands to be 49 MW/year (amounting to 3% of the total demand of the county where it would be located), which the project would draw off the grid.<sup>48</sup>

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<sup>40</sup> Manal Al-Traboulsi et al., Potential Impact of CO<sub>2</sub> Leakage From Carbon Capture and Storage (CCS) Systems on Growth and Yield in Spring Field Bean, 80 ENV'T & EXPERIMENTAL BOTANY 43 (2012).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> Alaska Federation of Natives, Resolution 23-01: A Resolution in Support of Alaska Native Aboriginal Hunting and Fishing Rights and Congressional Action to take Immediate Action to Permanently Protect the Right of Alaska Native People to Engage in Subsistence Fishing in Alaska's Navigable Waters (Oct. 1, 2023).

<sup>44</sup> Alaska Department of Fish and Game, Division of Wildlife Conservation – Division Overview, <https://www.adfg.alaska.gov/index.cfm?adfg=divisions.wcoverview>.

<sup>45</sup> Mark Z. Jacobson, The Health and Climate Impacts of Carbon Capture and Direct Air Capture, 12 ENERGY & ENV'T SCI. 3567 (2019).

<sup>46</sup> Kurt Zenz House et al., The Energy Penalty of Post-Combustion CO<sub>2</sub> Capture & Storage and its Implications for Retrofitting the U.S. Installed Base, ENERGY & ENV'T SCI. (2009).

<sup>47</sup> Email from Frederick Tornatore, San Joaquin Renewables, to Leonard Scandura, San Joaquin Valley Air Pollution Control District (Mar. 2, 2021 09:10:22 PT) (on file with the Center for Biological Diversity).

<sup>48</sup> Kern County California, Environmental Impact Statement review for CarbonFrontier Project (2023) at 4.1-15, <https://ceqanet.lci.ca.gov/2023060293>.

According to a 2021 report, widespread adoption of CCS would raise the retail price of electricity in Alaska by 10.5% or \$148.75 per year.<sup>49</sup> Alaska’s residents already “face energy disruptions, natural disasters, and the harmful effects of climate change while paying some of the nation’s highest energy costs.”<sup>50</sup> Increased fossil fuel extraction, additional strain on our state’s utilities, and increased consumer prices is the last thing the people of Alaska want or need. Even the best Class VI regulations do not address this strain on Alaska’s resources.

#### **IV. Alaska’s poor history of oil and gas safety and environmental oversight and enforcement make adding a new permitting program highly risky.**

Safe delegation of Class VI primacy to the state would require the Commission to uphold the SDWA and maintain effective oversight to protect underground sources of drinking water. In the context of oil and gas, the Commission has shown that it is unable to deter environmental and safety violations: Hilcorp, for example, had more than two dozen violations over a 3.5-year period—so many that the Commission concluded that “disregard for regulatory compliance is endemic to Hilcorp’s approach to its Alaska operations.”<sup>51</sup> While the Commission has taken anemic enforcement actions against Hilcorp for many of its violations, the agency was unwilling to hold Hilcorp accountable for the 2016 gas pipeline burst in Cook Inlet, even when the Alaska Supreme Court agreed with the former commissioner that the leak was under the Commission’s jurisdiction.<sup>52</sup> In another example, Cook Inlet Energy flared gas for almost four months and misled regulators about the reasons for flaring.<sup>53</sup> The Commission fined the company, but reduced the amount after the company challenged the fine.

In the case of a gas leak at a ConocoPhillips’ oil field on the North Slope, the Commission waited over a year before even holding a hearing on the issue.<sup>54</sup> The leak had gone undetected for three weeks, with up to 7.2 million cubic feet of natural gas streaming into the air during that period.<sup>55</sup> Residents of the local village, Nuiqsut, watched with concern as “busloads of people” left from the oil field, but received no information from the Commission or any entity about the leak or the risks to their health.<sup>56</sup>

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<sup>49</sup> Sean O’Leary & Ben Hunkler, Ohio River Valley Institute, Carbon Capture, Use, and Sequestration Would Decarbonize the Electric System...in the Worst Possible Way 1, 7 (2021), <https://ohiorivervalleyinstitute.org/wp-content/uploads/2021/10/CCUS-Report-FINAL-3.pdf>.

<sup>50</sup> Dep’t of Energy, Office of Energy Efficiency & Renewable Energy, 100% Clean Electricity: North to the Clean Energy Future (Aug. 9, 2023), <https://www.energy.gov/eere/articles/100-clean-electricity-north-clean-energy-future>.

<sup>51</sup> Alaska Oil and Gas Conservation Commission, *Decision and Order Re: Failure to Test BOPE After Use, Milne Point Unit I-03, PTD 1900920, Other Order 109, Docket No. OTH-15-029 3* (May 3, 2016).

<sup>52</sup> Sabine Poux, *Alaska State Agency Again Rejects Hollis French’s Petition to Investigate Cook Inlet Leak*, ALASKA PUBLIC MEDIA (Jan. 21, 2022), <https://alaskapublic.org/2022/01/21/alaska-state-agency-again-rejects-petition-to-investigate-cook-inlet-leak/>.

<sup>53</sup> James Brooks, *State investigation confirms oil company wasted four months of natural gas on North Slope*, ALASKA BEACON (Jan. 28, 2026) <https://alaskabeacon.com/briefs/state-investigation-confirms-oil-company-wasted-four-months-of-natural-gas-on-north-slope/>.

<sup>54</sup> Yereth Rosen, *Gas Leak at ConocoPhillips Field Reviewed a Year Later, with Enforcement Action Possible*, ALASKA BEACON (Mar. 24, 2024), <https://alaskabeacon.com/2023/03/24/gas-leak-at-conocophillips-field-reviewed-a-year-later-with-enforcement-action-possible/>.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

Before it attempts to assume Class VI primacy, the Commission must establish a reliable track record of integrity and strong environmental enforcement and a commitment to protect Alaska’s people and environment.

**V. The Commission has the responsibility not to pursue Class VI primacy until it can adequately administer the Class VI UIC program.**

As described in detail above, it is not in the best interest of Alaska nor Alaskans for the Commission to catalyze CCS project development in our state. However, this is exactly what the Commission seeks to do with its current pursuit of Class VI primacy, and it does so despite the significant persisting fiscal, technical, legal, and administrative shortcomings.

The Commission has the discretion and responsibility to ensure that the gaps identified in this comment are filled prior to pursuing Class VI primacy. The law states that the Commission “may take all actions necessary to allow the state to acquire primary enforcement responsibility” for Class VI wells from the EPA.<sup>57</sup> Accordingly, the Commission is authorized—but not required—to pursue Class VI primacy and the Commission would be operating comfortably within its discretion by choosing to forego or delay Class VI primacy to first ensure it is prepared for such an undertaking.

Even though the Commission has already developed and promulgated some implementing regulations, it need not immediately pursue Class VI primacy. The Commission can and should build capacity, expertise, and resources while leaving the primary enforcement responsibility for the Class VI program and the accompanying liability to the federal EPA.

We hope the Commission seriously considers this option, due to the complex nature of the Class VI UIC program and the immense liability the state will assume by administering it. The choice to rush into Class VI primacy poses great risk to Alaska’s residents and environment, considering the consequences if the state is awarded primacy but ultimately fails to responsibly administer the permitting program.

**Conclusion**

Thank you for your careful consideration of our comments and concerns. Given the many unresolved problems associated with CCS and state-level Class VI primacy, we urge the Commission not to move forward with its application for primacy at this time.

Sincerely,

Chantal de Alcuaz  
Co-Executive Director  
The Alaska Center

Indra Arriaga  
Executive Director  
Alaska Public Interest Research Group

Pamela Miller  
Executive Director  
Alaska Community Action on Toxics

Marlee Goska  
Alaska Staff Attorney  
Center for Biological Diversity

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<sup>57</sup> AS 31.05.030(h).

Ben Boettger  
Energy Policy Analyst  
Cook Inletkeeper

Sarah Furman  
Fairbanks Climate Action Coalition  
Co-Executive Director



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

# Alaska Oil and Gas Conservation Commission

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May 21, 2026

Sent via Email

Ms. Marlee Goska  
Alaska Staff Attorney  
Center for Biological Diversity  
P.O. Box 1178  
Homer, AK, 99603

Re: AOGCC Response to Written Comments  
Notice of Intent to Apply for Class VI Primacy

Dear Ms. Goska and Colleagues:

Thank you for submitting your written comments to the Alaska Oil and Gas Conservation Commission (AOGCC) in response to the Notice of Intent to Apply for Class VI Primacy (Notice). The hearing was held on May 14, 2026. As was stated in the Notice, AOGCC is intending to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program.

AOGCC's responses to your comments are below:

## **1. Funding remains inadequate and uncertain for a Class VI program**

*AOGCC acknowledges the commenter's concerns regarding long-term program funding and staffing. AOGCC notes that Class VI programs nationwide evolve over time and staffing needs are periodically reassessed. Alaska statutes specifically contemplate an industry-funded program structure through application fees, injection surcharges, trust funds, and financial assurance mechanisms. AOGCC also notes that EPA oversight remains part of the primacy framework and that additional federal funding opportunities may continue to become available as the national Class VI program matures. Historically the AOGCC operates on an industry funded model which has shown to be successful and sustainable.*

## **2. State lacks technical expertise for Class VI review**

*AOGCC agrees with the comment that “Class VI permits are complex and highly technical.” AOGCC believes the Class VI permitting in Alaska, by AOGCC, will be as stringent as any EPA permit review or issuance. AOGCC further notes that use of outside technical consultants and interdisciplinary review teams is consistent with practices used by EPA regions and other state primacy programs. The ability to supplement staff expertise with contractors is viewed as a strength of the proposed program rather than a deficiency.*

## **3. Concern that fee structure creates incentive to approve projects**

*AOGCC disagrees that the proposed fee structure creates an inappropriate incentive to approve Class VI permits. Permit applications must comply with all applicable statutory and regulatory requirements regardless of fee recovery mechanisms. AOGCC retains authority to deny permit applications that fail to demonstrate protection of underground sources of drinking water, reservoir integrity, monitoring capability, or financial assurance compliance. The proposed fee structure has a successful track record in other states with Class VI primacy.*

## **4. Alaska fee-shifting rules undermine Safe Drinking Water Act (SDWA) citizen suits**

*The AOGCC disagrees that Alaska’s rules surrounding attorney fees are incompatible with the SDWA. The SDWA mandated the EPA to promulgate regulations for state underground injection control programs with minimum requirements to prevent endangering drinking water. 42 U.S.C. § 300h(a)-(b). The EPA did so for Class VI wells by promulgating federal requirements at 40 CFR Parts 144, 145 and 146. A state’s Class VI program must be at least as stringent as the requirements in these federal regulations. 42 U.S.C. § 300h-1(b); 40 C.F.R 145.11(b)(1). While the federal regulations do have numerous requirements for public participation, including public participation in the enforcement process, there is not a requirement that a state have a particular rule regarding attorney fees. Moreover, even if it was a minimum requirement that a state was required to satisfy, Alaska’s attorney fee rule—which could require a losing litigant to pay some of the prevailing party’s attorney’s fees—is not incompatible with the rule under the SDWA which allows a federal court to do the exact same thing. 42 U.S.C. § 300j-8(d)(“court...may award costs of litigation (including reasonable attorney and expert witness fees) to any party...”)(emphasis added). In fact, Alaska’s rule may be even more generous to a public interest litigant, because Alaska has an explicit statutory provision allowing the prevailing public interest party asserting constitutional rights to recover full, instead of partial, attorney fees, while also allowing those same claimants to avoid the risk of an attorney fee award against them if unsuccessful. AS 09.06.010(c)*

## **5. Carbon Capture, Utilization, and Storage (CCUS) is dangerous, ineffective, and diverts resources from renewable energy**

*AOGCC reiterates that the agency’s statutory role is not to determine broader climate or energy policy outcomes, but rather to regulate carbon storage facilities in a manner protective of underground sources of drinking water, public health, and safety. AOGCC continues to believe a compliant, regulated CCUS project in Alaska can be executed safely.*

## **6. CCUS projects perpetuate environmental justice harms**

*AOGCC's Class VI permitting will include a robust public notice and comment period, and surface and subsurface owner notifications and opportunity to comment. AOGCC recognizes the importance of meaningful engagement with Alaska communities, including Tribes and rural communities. Public participation requirements under the Class VI program will continue to be implemented consistent with EPA primacy requirements and applicable state and federal law.*

## **7. Pipeline and Hazardous Materials Safety Administration (PHMSA) pipeline concerns and Satartia incident**

*AOGCC acknowledges concerns related to carbon dioxide transportation infrastructure; however, regulation of interstate and intrastate carbon dioxide pipelines primarily falls outside AOGCC's statutory authority and Class VI primacy responsibilities. By statutory definition, a "storage facility," which AOGCC would regulate if granted primacy, does not include pipelines, compressors, surface facilities and equipment used to transport carbon dioxide to the storage facility that are unrelated to well safety and metering. AS 41.06.210(8).*

## **8. Carbon dioxide leaks threaten plants, wildlife, ecosystems, and subsistence**

*AOGCC agrees that uncontrolled carbon dioxide releases can have detrimental consequences to human health, plants, fish, wildlife, soil and water quality. AOGCC, implementing the carbon storage statutes and federal codes permitting Class VI wells, believes the state is not risking damage to the "precious and fragile ecosystems of the state..." The AOGCC carbon storage regulations implementing the Alaska statutes are designed to be as stringent as the Class VI federal code and are designed to keep injected carbon dioxide confined to the wells and storage formation/reservoir, protecting subsurface confining layers, wellbore penetrations, and ultimately surface populations, and underground sources of drinking water. AOGCC further notes that Class VI permitting includes detailed site characterization, monitoring, mechanical integrity testing, plume tracking, and corrective action requirements specifically intended to minimize the likelihood of uncontrolled migration or release.*

## **9. Lake Nyos comparison**

*The causes of the sudden, natural release of carbon dioxide as deadly and voluminous as that referenced from the 1986 Lake Nyos incident are unrelated to the proposed activities of Class VI carbon storage. AOGCC continues to believe the Lake Nyos event is not technically analogous to engineered Class VI injection and storage operations regulated under the SDWA framework.*

## **10. CCUS energy intensity and electricity price impacts**

*AOGCC, as Alaska's oil and gas, geothermal, and CCUS regulator, does not have a position or response to CCUS being energy-intensive, an energy penalty, the retail price of electricity in Alaska, Railbelt electric grid challenges, or the use of Alaska's fossil fuel to power CCUS. AOGCC's mission is "To protect the public interest in exploration and development of Alaska's valuable oil, gas, and geothermal resources through the application of conservation*

*practices designed to ensure greater ultimate recovery and the protection of health, safety, fresh ground waters and the rights of all owners to recover their share of the resource.” AOGCC reiterates that its statutory mission is focused on resource conservation, public safety, and protection of underground sources of drinking water rather than statewide energy planning or electricity pricing policy.*

### **11. AOGCC has weak enforcement and transparency history**

*AOGCC disagrees with the comment “While the Commission has taken anemic enforcement actions against Hilcorp for some violations, the agency was unwilling to hold Hilcorp accountable for the 2016 gas pipeline burst in Cook Inlet, even when the Alaska Supreme Court agreed with the former commissioner that the leak was under the Commission’s jurisdiction.” AOGCC’s final decision on the matter is contained in Other Order 191 (January 20, 2022). AOGCC also disagrees with the characterization of the AOGCC’s handling of the “gas leak at a ConocoPhillips oil field on the North Slope[.]” AOGCC, under Docket OTH-22-012, provided a full accounting and timeline resulting in enforcement action and Other Order 200 being issued July 19, 2023. AOGCC also disagrees with the additional comments relating to AOGCC’s public transparency and accountability, credibility, and alleged conflicts of interest. AOGCC believes it has established a reliable track record of integrity and strong environmental enforcement and a commitment to protect Alaska’s people and environment. AOGCC believes that the Class VI primacy and Class VI program, once implemented, will only serve to enhance this already reliable track record. Finally, AOGCC notes that enforcement matters are evaluated on a case-by-case basis under existing statutory and regulatory authority. Prior enforcement actions and public orders remain available in AOGCC records.*

### **12. AOGCC may choose not to pursue primacy**

*While the AOGCC agrees AS 31.05.030(h) uses permissive and not mandatory language, the AOGCC disagrees with the commenter that the State of Alaska should not pursue primary permitting authority. AOGCC further notes that Class VI wells are already permissible in Alaska under federal authority and that primacy changes the permitting authority, not whether Class VI wells may legally exist in the state.*

### **13. Alaska should delay primacy until capacity is improved**

*AOGCC acknowledges the commenter’s recommendation that the state delay pursuit of primacy. However, AOGCC believes development now of a state-administered Class VI program is an appropriate and responsible path forward and is consistent with legislative direction under HB 50 and AS 31.05.030(h).*

Sincerely,

**Thomas  
W McKay**

Digitally signed by  
Thomas W McKay  
Date: 2026.05.21  
14:46:32 -08'00'

Thomas W. McKay  
Chair, Commissioner

**Jessie L.  
Chmielowski**

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Jessie L. Chmielowski  
Commissioner

**Gregory C Wilson**

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Gregory C. Wilson  
Commissioner

May 14, 2026

**RECEIVED**

By Samantha Coldiron at 10:06 am, May 14, 2026

Samantha Coldiron  
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Anchorage, AK 99501

Submitted electronically at: [aogcc.ccus@alaska.gov](mailto:aogcc.ccus@alaska.gov)

**Re: Arctic Slope Regional Corporation comments on the proposed Class VI Program application**

Dear Commissioners,

Arctic Slope Regional Corporation (“ASRC”) appreciates the opportunity to provide comments on the Alaska Oil and Gas Conservation Commission’s (“AOGCC”) application for Class VI Underground Injection Control (“UIC”) primacy. These comments are intended to supplement ASRC’s prior comments submitted on November 7, 2024, regarding AOGCC’s regulations implementing House Bill 50 (“HB 50”), specifically as they relate to amalgamation of property interests without unanimous consent under AS 41.06.140.

ASRC supports Alaska’s pursuit of Class VI primacy and recognizes carbon storage as an emerging opportunity for economic development in Alaska. However, the authority to compel aggregation of subsurface and pore-space interests under AS 41.06.140 raises fundamental concerns for joint landowners that warrant additional scrutiny and restraint, particularly when compared to Alaska’s long-standing approach to oil and gas development from jointly owned subsurface estates.

**I. Background**

ASRC is a for profit Alaska Native regional corporation formed pursuant to the Alaska Native Claims Settlement Act and holds title to approximately five million acres of surface and subsurface lands on the North Slope. These lands are the ancestral lands of the Iñupiat people and are central to the economic and cultural well-being of our Iñupiat shareholders.

ASRC has been actively engaged in evaluating carbon capture and storage (“CCS”) opportunities and supports thoughtful development of this emerging industry. Nevertheless, because CCS involves new technical, legal, and long-term stewardship considerations, the regulatory framework governing such projects must proceed cautiously, particularly where landowner consent is absent.

## **II. Amalgamation under AS 41.06.140 Is Not Equivalent to Oil and Gas Unitization**

Alaska has decades of experience managing oil and gas production from jointly owned reservoirs through unitization and related conservation authorities. Those authorities developed in response to well-understood circumstances and reflect a carefully balanced framework.

In contrast, AS 41.06.140 applies compulsory aggregation concepts to an activity that differs in material respects from oil and gas development.

Oil and gas unitization:

- Facilitates extraction of a finite resource;
- Provides nonconsenting owners a proportionate share of production and revenue;
- Operates within a mature legal and regulatory framework;
- Involves known and time-limited abandonment and reclamation obligations.

Carbon storage amalgamation, by contrast:

- Envisions permanent occupation of subsurface pore space;
- May encumber lands indefinitely through deed restrictions and monitoring obligations;
- Does not ensure nonconsenting owners receive compensatory revenue; and
- Operates within an immature legal framework with unresolved long-term liability questions.

The statutory analogy between oil and gas unitization and carbon storage amalgamation is therefore structural, not substantive, and should not be treated as interchangeable.

## **III. Heightened Concerns for Joint Landowners**

ASRC is particularly concerned about the effect of amalgamation authority on joint surface and subsurface owners who do not consent to participation in a CCS project.

### *A. Long-Term and Uncertain Liability*

Carbon storage introduces novel liability pathways that extend beyond the operational life of a project. Post-injection site care, corrective action, and monitoring obligations may continue for decades, and the terms under which long-term responsibility is transferred to the State remain largely untested.

For nonconsenting landowners, amalgamation raises serious questions regarding:

- Exposure to residual liability;
- Impacts on future land and mineral use;
- Interaction with subsistence resources and community infrastructure.

These risks are fundamentally different from those historically associated with oil and gas development.

*B. Absence of Defined Economic Balance*

Unlike oil and gas unitization, AS 41.06.140 does not provide a clear economic offset for compulsory inclusion. Nonconsenting owners may bear long-term risk without a guaranteed revenue stream or meaningful control over project design and operation.

This imbalance weighs strongly in favor of restraint when considering compulsory amalgamation.

**IV. Need for Elevated Standards and Regulatory Restraint**

ASRC continues to urge AOGCC to apply heightened standards before exercising amalgamation authority under AS 41.06.140, particularly in the early years of Alaska’s Class VI program.

At a minimum, ASRC recommends that AOGCC:

1. Apply a strict and clearly articulated standard for “good faith efforts” to obtain unanimous consent, supported by substantial evidence and meaningful engagement with all affected owners;
2. Require a robust demonstration that amalgamation will not adversely affect existing or future mineral interests, recognizing Alaska’s history of new discoveries in previously undervalued formations;
3. Favor consent-based projects during initial program implementation, allowing operational experience and best practices to develop before resorting to compulsory tools; and
4. Exercise explicit restraint, recognizing that the authority to amalgamate is discretionary and not required to achieve Class VI primacy or program approval by EPA.

Such an approach is consistent with both HB 50 and the Safe Drinking Water Act and is essential to maintaining landowner trust as Alaska develops its carbon storage framework.

**V. Conclusion**

Carbon storage represents a significant and promising opportunity for Alaska. However, the success of CCS on the North Slope depends on careful alignment between regulatory authority and landowner rights.

AS 41.06.140 adopts the form of oil and gas unitization, but not its historical balance of risks, benefits, and temporal limits. For joint landowners, compulsory amalgamation for CCS presents permanent and uncertain consequences that justify greater scrutiny and a cautious, consent-first approach by AOGCC.

ASRC respectfully urges the Commission to incorporate these considerations into its Class VI primacy program and to continue working collaboratively with landowners as Alaska moves forward in this emerging regulatory space.

Thank you for the opportunity to provide these comments.

Respectfully submitted,

ARCTIC SLOPE REGIONAL CORPORATION

A handwritten signature in blue ink, appearing to read 'D. Knutson', with a stylized flourish at the end.

David Knutson - Sr. Director of Lands & Natural Resources



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Alaska Oil and Gas Conservation Commission

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May 21, 2026

Sent via Email

Mr. David Knutson  
Sr. Director of Lands and Natural Resources  
Arctic Slope Regional Corporation  
3900 C Street, Suite 801  
Anchorage, AK 99503

Re: AOGCC Response to Written Comments  
Notice of Intent to Apply for Class VI Primacy

Dear Mr. Knutson:

Thank you for submitting your written comments to the Alaska Oil and Gas Conservation Commission (AOGCC) in response to the Notice of Intent to Apply for Class VI Primacy (Notice). The hearing was held on May 14, 2026. As was stated in the Notice, AOGCC is intending to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program.

AOGCC's responses to your specific comments are addressed below, but AOGCC will first address amalgamation (i.e. compulsory pore space unitization) generally in the context of its Class VI primacy application. While EPA's Class VI rules establish the minimum federal requirements necessary for a state to obtain primacy under the Underground Injection Control (UIC) program, there are not specific federal requirements regarding amalgamation for Class VI primacy. Rather, the AOGCC's authority to amalgamate pore space property interests derives from AS 41.06.140 and 20 AAC 25.1085 and is a matter of Alaska state law.

Accordingly, Alaska's primacy application is not dependent on EPA requiring amalgamation authority. Rather, the proposed regulations implementing AS 41.06.140 are intended to carry out authorities enacted by the Alaska Legislature in connection with carbon storage development within the State. EPA's review of Alaska's primacy application is focused on whether the State's Class VI program meets or exceeds the federal UIC requirements for protection of underground sources of drinking water.

**1. Carbon Capture, Utilization and Storage (CCUS) amalgamation is fundamentally different from oil & gas unitization because CCUS may permanently occupy pore space and create indefinite obligations (III.A)**

*AOGCC recognizes that carbon storage projects differ from traditional oil and gas development in several respects, including the long-term nature of storage operations and post-injection stewardship requirements. The regulations are intended to implement the statutory framework enacted by the Alaska Legislature while ensuring that project-specific technical, monitoring, and financial assurance requirements are evaluated through the permitting process. 20 AAC 25.1085 allows addressing amalgamation concerns in pre-permit consultation and provides a public comment period. AOGCC's mission and past practice is that the commission would work with all interested parties and require a robust demonstration that amalgamation, or any other action, will not adversely affect existing or future mineral interests.*

**2. CCUS creates uncertain long-term liability exposure for nonconsenting landowners (III.A)**

*AOGCC acknowledges stakeholder concerns regarding long-term liability, post-injection site care, and corrective action obligations associated with carbon storage projects. The Class VI regulatory framework includes requirements for financial responsibility, monitoring, corrective action, and post-injection site care intended to ensure protection of underground sources of drinking water and provide regulatory oversight throughout the life of a project. AOGCC implemented AS 41.06.140 Amalgamating Property Interests by regulation 20 AAC 25.1085. ASRC as a surface and subsurface landowner will determine its own carbon leasing requirements similar to Alaska DNR's carbon storage leasing program which recently became effective. If applicable, surface and subsurface owners and affected parties will receive notice and opportunity to comment during an AOGCC carbon storage facility permit public comment and review period.*

**3. Nonconsenting owners may be impacted through restrictions on future land and mineral use (III.A)**

*AOGCC recognizes the importance of protecting existing and future resource development opportunities. Proposed Class VI permitting reviews will include evaluation of the storage reservoir, confining zones, and other subsurface resources to minimize conflicts with existing or future mineral development to the extent required under applicable statutes and regulations. If applicable, surface and subsurface owners and affected parties will receive notice and opportunity to comment during an AOGCC carbon storage facility permit public comment and review period.*

**4. CCUS framework lacks guaranteed economic balance or compensation comparable to oil & gas unitization (III.B)**

*AOGCC notes that issues regarding compensation, leasing terms, and economic arrangements between private parties are generally governed by statute, contract, and property law rather than the Class VI permitting process itself. AOGCC's role is limited to implementing the authorities established by the Legislature and ensuring compliance with applicable regulatory requirements.*

**5. AOGCC should apply a strict “good faith efforts” standard before amalgamation (IV.1)**

*AOGCC anticipates that any future application of AS 41.06.140 and 20 AAC 25.1085 would require applicants to demonstrate compliance with statutory and regulatory requirements, including documentation of efforts to engage affected property owners as required by adopted regulations. As currently written in state statutes and regulations, a nonconsenting property owner would be heard at the leasing phase, and as AOGCC processes an application for a potential carbon storage facility permit.*

**6. AOGCC should require demonstration that amalgamation will not adversely affect future mineral interests (IV.2)**

*AOGCC agrees that protection of existing and future mineral interests is an important consideration during project evaluation. Proposed Class VI applications will undergo technical review to evaluate geologic suitability, reservoir containment, and potential interactions with other subsurface resources consistent with statutory authority and regulatory requirements.*

**7. AOGCC should favor consent-based projects during early program implementation (IV.3)**

*AOGCC recognizes the value of voluntary, consent-based project development and expects applicants to work collaboratively with affected stakeholders throughout project planning and permitting. AOGCC encouraged all surface and subsurface owners and interested parties to participate in the regulations drafting process.*

**8. AOGCC should exercise restraint because amalgamation authority is discretionary and not required for primacy (IV.4)**

*AOGCC’s inclusion of regulations implementing AS 41.06.140 reflects statutory authorities enacted by the Legislature. Whether and how those authorities may apply to a future project would depend on the facts and circumstances of a specific application and applicable regulatory standards. AOGCC acknowledges the comment regarding the relationship between amalgamation authority and EPA Class VI primacy. The adopted regulations implement Alaska statutory authorities related to carbon storage in addition to meeting federal Class VI program requirements.*

Sincerely,

**Thomas  
W McKay**

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Thomas W McKay  
Date: 2026.05.21  
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Thomas W. McKay  
Chair, Commissioner

**Jessie L.  
Chmielowski**

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Jessie L. Chmielowski  
Commissioner

**Gregory C Wilson**

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Gregory C. Wilson  
Commissioner