

January 26th, 2022

Ms. Cecilia Mena
MC 205, Office of Legal Services
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX. 78711-3087

RE: Rule Project Number 2021-025-331-WS

Dear Ms. Mena:

Texas 2036 supports Texas' energy expansion, which includes greater use of carbon capture and sequestration. House Bill 1284 passed during the 87th Regular Session of the Texas Legislature took a needed step towards advancing Texas' energy expansion through the consolidation of carbon capture and underground storage (CCUS) permitting with the Railroad Commission of Texas (RRC). This bill was essential for the establishment of streamlined jurisdictional control and regulation for CCUS deployment in Texas.

The Commission's proposed amendment to 30 Texas Administrative Code (TAC) §331.11 strikes reference to the agency's jurisdiction over the injection of carbon dioxide by clean coal projects into certain qualified subsurface zones. This amendment is consistent with the requirements of HB 1284 and is a small but needed step towards aligning TAC with new requirements within the Texas Water Code and Natural Resources Code. Moreover, this change is one of several essential prerequisites for RRC's application to the U.S. Environmental Protection Agency for Class VI underground injection control well primacy under the U.S. Safe Drinking Water Act.

Texas 2036 supports the Commission's proposed amendment to 30 TAC §331.11 and encourages its timely adoption. This amendment represents one of many actions that the State of Texas will have to undertake to streamline regulations and encourage CCUS development in Texas. Moreover, these changes are essential for Texas' maximization of the opportunities for expanding CCUS provided within the recently-passed US Infrastructure Investment and Jobs Act.

Thank you for your time and consideration of these comments. We welcome the opportunity to discuss these comments with you further.

Sincerely,

Jeremy B. Mazur
Senior Policy Advisor

Rob Orr
Senior Policy Advisor



469.384.2036



Info@texas2036.org
Texas2036.org



3963 Maple Avenue #290
Dallas, Texas
75219