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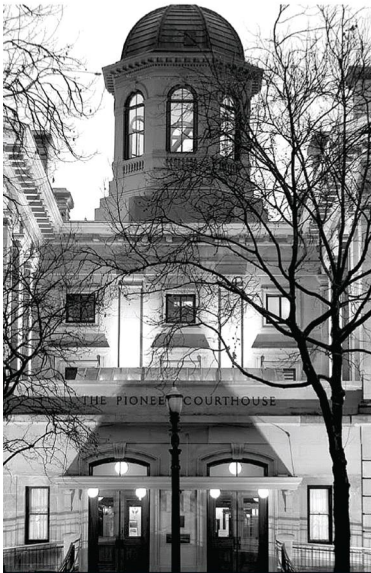
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

PUBLIC HEARING

**LOUISIANA UNDERGROUND INJECTION CONTROL PROGRAM
CLASS VI PRIMACY PROPOSED RULE**

**HELD ON
JUNE 21, 2023
1:00 P.M.**

**617 NORTH THIRD STREET
LABELLE HEARING ROOM
BATON ROUGE, LOUISIANA 70802**



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1 **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
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4 **CLASS VI PRIMACY PROPOSED RULE**
5 **HELD ON**
6 **JUNE 21, 2023**
7 **1:00 P.M.**

8
9 **MR. JOHNSON:** Good afternoon. My name is
10 Ken Johnson, and I am the groundwater underground
11 injection control supervisor at EPA Region 6 in
12 Dallas.

13 Before we begin taking testimony, I will
14 provide background information and a summary of the
15 proposed action. With me today at the hearing from
16 EPA Region 6 are Ian Ussery and Brody Friesenhahn,
17 both geologists in the UIC section; Lisa Pham, UIC
18 engineer; Chad Larsen, our environmental justice
19 liaison in the Office of Environmental Justice,
20 Tribal and International Affairs; Evelyn Rosborough
21 from our NPDS section; and from the Office of
22 Regional Counsel, our hearing officer, Armando
23 Armendariz.

24 Today's hearing concerns EPA's proposed
25 approval of a revision to Louisiana Safe Drinking

1 Water Act Section 1422 UIC program, to include Class
2 VI injection well primary enforcement
3 responsibility, referred to as "primacy." The
4 proposed revision would allow the Louisiana
5 Department of Natural Resources, or LDNR, to issue
6 UIC permits for geologic carbon sequestration
7 facilities as Class VI wells, and ensure compliance
8 of Class VI wells under the UIC program. EPA
9 proposes to issue a final rule approving Louisiana's
10 application to implement the UIC program for Class
11 VI injection wells located within the state, except
12 those on Indian lands.

13 The UIC Class VI program was created under
14 the Federal Safe Drinking Water Act. This statute
15 protects public health by regulating the nation's
16 public drinking water supply, including both surface
17 and groundwater resources. The Safe Drinking Water
18 Act requires EPA to develop requirements and
19 provisions for the state and tribal underground
20 injection control, or UIC, programs. These UIC
21 programs regulate the injection of fluids to protect
22 underground sources of drinking water.

23 Safe Drinking Water Act Section 1422
24 directs EPA to establish requirements that states,
25 territories, and federally recognized tribes must

1 meet to be granted primary enforcement
2 responsibility, or primacy, for implementing a UIC
3 program, including a Class VI program.

4 A state applicant seeking primacy for a
5 Class VI program must demonstrate to EPA that the
6 class -- state Class VI program is as stringent as
7 the federal requirements and is protective of
8 underground sources of drinking water, among other
9 requirements.

10 The UIC Class VI program, which regulates
11 injection of carbon dioxide into deep rock
12 formations for the purpose of long-term underground
13 storage, provides multiple safeguards that work
14 together to protect underground sources of drinking
15 water, also known as USDWs, and human health.
16 Owners or operators that wish to inject carbon
17 dioxide for the purpose of geologic sequestration
18 must demonstrate that their injection well will meet
19 all regulatory requirements, and receive a Class VI
20 permit for each well. The UIC Class VI program
21 requires the applicant to meet strict technical,
22 financial, and managerial requirements to obtain a
23 Class VI permit.

24 The program requirements for Class VI
25 include the following components:

1 One. Site characterization. Site
2 characterization ensures the geology in the project
3 area will contain the carbon dioxide within the zone
4 where it will be injected.

5 Two. Area of review. Area review
6 modeling delineates the predicted area influenced by
7 injection activities throughout the lifetime of
8 operation.

9 Three. Evaluation of the delineated area
10 to ensure all potential pathways for fluid movement
11 have been identified and addressed through
12 corrective action.

13 Four. Well construction requirements.
14 These requirements ensure that the Class VI
15 injection well will not leak carbon dioxide.

16 Five. Testing and monitoring throughout
17 the life of the project, including after carbon
18 dioxide injection has ended. Requirements include,
19 as an example, testing to ensure the physical
20 integrity of the well, monitoring for seismic
21 activity near the injection site, monitoring of
22 injection pressure and flow, chemical analysis of
23 the carbon dioxide stream that is being injected,
24 and monitoring the extent of the injected carbon
25 dioxide plume and the surrounding area, such as

1 groundwater, to ensure that the carbon dioxide is
2 contained as predicted.

3 Six. Operating requirements to ensure the
4 injection activity will not endanger USDWs or human
5 health.

6 Seven. Financial assurance mechanisms
7 sufficient to cover the cost for all phases of the
8 geologic sequestration project, including the post
9 injection site care period, and until site closure
10 has been approved by the permitting authority.

11 Eight. Emergency and remedial response
12 plans.

13 Nine. Reporting of all testing and
14 monitoring results to the permitting authority to
15 ensure the well is operating in compliance with all
16 permit and regulatory requirements.

17 The permitting authority ensures that
18 these protective requirements are included in each
19 Class VI permit. A draft of each Class VI permit is
20 made available to the public for comment before a
21 final permit is issued.

22 In addition to reviewing the state
23 regulations to ensure that they are at least as
24 stringent as the Federal Rules I summarized, EPA
25 also evaluated Louisiana's Class VI program

1 description, the Louisiana Attorney General's
2 Statement of Enforcement Authority, and the Addendum
3 to the Memorandum of Agreement between EPA and
4 Louisiana, describing the administration,
5 implementation, and enforcement of Louisiana's Class
6 VI program.

7 Finally, as part of developing this
8 proposal, EPA worked with the State of Louisiana to
9 incorporate environmental justice considerations
10 into their primacy application. EPA reviewed
11 Louisiana's environmental justice approach as
12 described in the state program description and the
13 Memorandum of Agreement addendum, and compared it to
14 the environmental justice elements discussed in the
15 December 9, 2022 letter from the EPA to state
16 governors.

17 Louisiana's committed its MOA addendum to
18 adopt all the environmental justice elements
19 described in the letter, including implementing an
20 inclusive public participation process incorporating
21 EJ and civil rights considerations in permit review
22 processes, enforcing Class VI regulatory
23 protections, and incorporating mitigation measures.

24 Furthermore, Louisiana's program
25 description specifies that LDNR will require well

1 owners or operators to conduct an environmental
2 justice review as part of the Class VI application
3 process, and the results of the review will be used
4 by LDNR to determine if an enhanced public comment
5 period will be required.

6 In closing, EPA conducted a comprehensive
7 technical and legal evaluation of Louisiana's Class
8 VI primacy application to assess and confirm that
9 the state's UIC Class VI program is as stringent as
10 the federal regulations.

11 As a result of this comprehensive review,
12 EPA is proposing to approve Louisiana's application,
13 because EPA has determined that the application
14 meets all applicable requirements for approval under
15 Safe Drinking Water Act Section 1422, and the state
16 is capable of administering a UIC Class VI program
17 in a manner consistent with terms and purposes of
18 the Safe Drinking Water Act and all applicable UIC
19 regulations.

20 For additional information on the proposed
21 decision, you may review the proposed decision
22 located in the Federal Register. To review
23 application materials and supporting documents, you
24 may go to the rule-making document located at
25 [www.regulations.gov/docket/ EPA-HQ-OW-202-](http://www.regulations.gov/docket/EPA-HQ-OW-202-)

1 0073/document.

2 And now, the hearing officer, Armando
3 Armendariz, will explain the procedures for this
4 public hearing.

5 **MR. ARMENDARIZ:** Good morning, everyone.
6 Thank you all for coming to this public hearing. My
7 name is Armando Armendariz. I am an attorney for
8 the Environmental Protection Agency Region 6 in
9 Dallas, Texas. I'm also the designated hearing
10 officer for the public hearing.

11 I will be responsible for developing a
12 hearing record by taking your comments concerning
13 the EPA's proposed actions. The EPA will consider
14 the record of this hearing during its decision-
15 making process. Note, however, that I do not
16 participate in making the final decision concerning
17 the EPA's proposal, and I also do not have any
18 influence in the permit process.

19 Before I touch on the hearing procedures,
20 in the event of an emergency, please exit the room
21 either through the door to my left, or through the
22 double doors at the back of the room. Once you go
23 through the double doors, you will be able to exit
24 the building through the glass doors to my left.

25 Now I would like to outline the procedures

1 for this public hearing. The procedures are rather
2 simple and informal. However, this hearing must be
3 conducted in an orderly manner that will allow the
4 EPA to record all relevant and appropriate
5 information related to the proposed action. Equally
6 important, today's public hearing is not an
7 evidentiary hearing or trial. There will be no
8 direct or cross examination of anyone. As a hearing
9 officer, I may ask questions, but only to clarify
10 for the hearing record. Otherwise, people making
11 comments will not be questioned. This is not a
12 forum for debate or argumentative exchanges, but
13 rather one for gathering facts and opinions relating
14 to the proposed actions.

15 I understand that most of you are quite
16 passionate about today's issues, but in order to
17 fully understand and hear your comments, your
18 statements must be focused and clear.

19 As previously mentioned, EPA personnel
20 will not be responding to any of your questions
21 during today's hearing. Instead, the EPA will
22 publish a written response to everyone's comments in
23 the Federal Register that will include the agency's
24 final decision in the matter.

25 I will be calling on people who have

1 registered to make comments. Based on the large
2 number of people who have signed up, I am setting a
3 three-minute time -- three-minute per speaker. This
4 will ensure that everyone will be given an
5 opportunity to be heard. People who have commented
6 will not be allowed to speak again, even if time
7 permits, and can leave the room if they want. In
8 addition, registered speakers will not be allowed to
9 share or donate any of their time.

10 When I call your name, please spell your
11 name for the record, and if you are representing an
12 organization, please identify that organization.

13 Further, I must obtain a clear and
14 uninterrupted record for this hearing, so please do
15 not talk while others are speaking. The court
16 reporter can only hear and record one person at a
17 time. I will ask you to please silence your cell
18 phones as well.

19 After the public hearing record closes,
20 EPA will continue to accept written comments. Please
21 note, however, that the comment period that began on
22 May 4th, 2023, ends on July 3rd, 2023. Written
23 comments should be submitted by the methods
24 described in the EPA's notice. In addition, written
25 comments will be considered with the same weight as

1 oral comments.

2 We have set up microphones for everyone
3 who will speak. Mr. Ian Ussery will let you know
4 when you have 30 seconds remaining by raising a
5 yellow card, and he'll raise a red card when your
6 time has ended. I will then ask the next person in
7 line to please come forward.

8 I will now take the comments of people who
9 have signed up to speak, beginning with -- I think
10 that the best way is we're going to go from left to
11 right. So I ask the gentleman in -- in the white if
12 you can please come up.

13 **SPEAKER:** To the...

14 **MR. ARMENDARIZ:** To the podium. And
15 please state your name for the record, sir; okay?
16 Let us know when you're ready so your time can
17 start.

18 **STEVEN BRAUD:** Testing.

19 I am Steven Braud, a 58-year native and
20 college graduate, former publisher, editor,
21 photographer, and I'm now the owner of 4B Plastics
22 in Baton Rouge, Louisiana.

23 For three generations, our manufacturing
24 facility right here has made -- machined all
25 plastics in today's modern market. From Baton

1 Rouge, we supply 1,280 petrochemical plants across
2 the U.S., 640 valve shops, and tons of middlemen
3 vendors that supply a vast needed industry in this -
4 - in this country.

5 At the turn of the century, my grandfather
6 built the Standard Oil refinery right here in Baton
7 Rouge. When the depression approached, the
8 Rockefellers gave him an opportunity to build a
9 second refinery in Aruba for the South American oil.

10 Louisiana oil and gas, and that entire
11 business, has supported most of my family members
12 for now close to a hundred years. Lately, we have
13 seen layoffs, loss of ability to get oil from
14 Louisiana areas, thus hindering production of
15 chemicals and the very plastics that are the basis
16 of my business. The backlog in supply has created
17 increased prices, longer wait times, and have slowed
18 production. Other companies like myself have moved
19 to other states, and some of them have closed their
20 doors.

21 I strongly urge you to consider a concern
22 for not only the citizens that are sitting here, but
23 also for the next generation to come. You have a
24 chance to positively impact the state and the
25 generations to come. So please do so when casting

1 your consideration.

2 Thank you.

3 **MR. ARMENDARIZ:** Mr. Braud, can you please
4 spell your full name again for us, sir?

5 **MR. STEVEN BRAUD:** Steven, S-T-E-V-E-N,
6 Braud, B-R-A-U-D.

7 **MR. ARMENDARIZ:** Thank you, sir.

8 **MR. STEVEN BRAUD:** Thank you.

9 **MR. ARMENDARIZ:** Okay. Will the person
10 next in line please come forward. And please state
11 your full name for the record.

12 **MR. EARL HIMEL:** My name is Earl Himel, E-
13 A-R-L H-I-M-E-L.

14 **MR. ARMENDARIZ:** Are you ready, sir?

15 **MR. EARL HIMEL:** All right. Ready.

16 I would like to thank the EPA for having
17 this hearing, so I can state my support of carbon
18 dioxide capture and storage in South Louisiana.

19 I've lived in Livingston Parish for thirty
20 years, and have lived in south Louisiana my whole
21 life. My family can be traced back for the last
22 about 300 years, and most of us have remained here.
23 I'm a third generation oil and gas industry retiree,
24 and have worked in the quality, safety, and testings
25 of products sold. And my wife and kids also work in

1 businesses that support these industries.

2 I love central Louisiana, especially south
3 Louisiana, because it's central to many of our
4 vacation destinations that we travel to. And, um, I
5 enjoy woodworking, metal working, repairing my
6 antique cars, maintenance of my antique cars,
7 cooking, spending time with the family, and playing
8 guitar.

9 So, we've been storing materials in the
10 salt domes and other underground storage media for
11 decades in south Louisiana. I feel it's been proven
12 safe and effective for storage of hydrocarbons,
13 since that's what it's been used for, and for CO2;
14 since it's inert, it won't react and degrade in
15 storage. And by storing pressurized CO2
16 underground, it's a great way to retrieve it later
17 if needed for other chemical uses, such as dry ice,
18 shield gases, fire suppression systems; have you.

19 This method of storage will also protect
20 many jobs in a variety of industries. And the
21 variety of products produced by petroleum, chemical,
22 and metallurgical industries are enormous. We're
23 beneficiaries of these industries, from the products
24 we use, to -- include medical products and food.
25 Direct and indirect jobs have been created, and they

1 are vital to the Gulf South, and have provided
2 needed energy and products for the entire country.
3 For example, the chemical industry produced much of
4 the needed hand sanitizer during the Covid pandemic.

5 We can't enjoy our hobbies, or even eat,
6 without energy. So it is my hope that we move
7 forward with carbon capture and storage, um, because
8 if the energy and associated industries are left to
9 rot on the vine, my family, and countless other
10 families, will have to leave their homes.

11 So, my support is based on decades of safe
12 usage and a need to be good stewards of our
13 environment. So I hope this hearing is successful,
14 and I urge you to continue on with our Class VI
15 primacy and move forward with carbon capture storage
16 and join other states in this endeavor. Thank you.

17 **MR. ARMENDARIZ:** Thank you.

18 The next person, please. Please spell
19 your name for the record as well.

20 **DANNY WALLACE:** My name is Danny Wallace,
21 D-A-N-N-Y W-A-L-L-A-C-E.

22 **MR. ARMENDARIZ:** Are you ready, sir?

23 **DANNY WALLACE:** Yes, sir.

24 My name is Danny Wallace, and I was born
25 and raised in Winnsboro, Louisiana, and I still

1 reside there. I work at the largest faith-based
2 drug and alcohol rehab in the state, and I also
3 drive a school bus for the Franklin Parish School
4 Bus System.

5 My greatest hobbies are fishing and
6 hunting in this great state, and I really love the
7 culture of the people, not only in my community, but
8 throughout the state. Most everyone is friendly and
9 polite and caring for one another.

10 Throughout my life, I've had my shares of
11 ups and downs in the variety of jobs that I've had.
12 I've worked in the oilfield, drove trucks, farmed,
13 and at this present time, for the last 17 years,
14 worked at Fresh Start, and also drive a school bus.

15 I attended and graduated high school in
16 Gilbert, Louisiana. I value life to its fullest. I
17 care greatly about my surroundings and the
18 environment that I live in, so that my grandchildren
19 will have a great place to live in and enjoy life as
20 I did. I know everyone would wish the same for
21 their families.

22 And this is the very reason that I support
23 primacy for the State of Louisiana. I support the
24 oil and gas industry because it's the basic root of
25 Louisiana's economy, and for the industry of all

1 America. And I support primacy for Louisiana
2 because Louisiana is the state with the most
3 knowledge and work in this industry. We've been
4 working diligently in developing ways to catch the
5 carbon gas and -- in the oil and gas industry, and
6 developing ways to use it for all fellow Americans.
7 If the oil and gas industry were to leave this
8 state, it would be devastating not only to this
9 state, but all of America. Jobs and careers would
10 be gone.

11 I think primacy should be granted to
12 Louisiana because this is where all of the research
13 and long, hard hours of work in developing it has
14 been done. Nowhere else is, in my view, is a better
15 place to do it than the ones that's been working on
16 it for years.

17 I urge you to approve Louisiana's
18 application for Class VI primacy, so that, together,
19 we can move forward to the future of everyone in
20 America, and to have a better place to raise our
21 families and better ourselves without having to wait
22 on federal government bureaucracy to vote or to hold
23 back the ability to move forward with the oil and
24 gas industry in Louisiana.

25 Thank you for your consideration for

1 primacy.

2 **MR. ARMENDARIZ:** Thank you.

3 **LEON PUISSEBUR:** Evening. My name is Leon
4 Puissegur. It's L-E-O-N P-U-I-S-S-E-G-U-R.

5 Give the statement?

6 **MR. ARMENDARIZ:** Are you ready, sir?

7 **LEON PUISSEBUR:** Okay. All right.

8 My name is Leon Puissegur. I live close
9 to Bogalusa, Louisiana, out in the country. When I
10 was younger, I worked offshore for about eight
11 months and learned a lot about the oil industry
12 during that time. My dad worked for the oilfields
13 with Chevron Oil for 35 years before he died.

14 I am getting a ham license soon as a
15 hobby, and a member of a hunting club just three
16 minutes from a log home. I finished high school at
17 Chalmette High in Chalmette, Louisiana. I went into
18 the Army and spent a year and two months there
19 before suffering a back injury which made me 100
20 percent disabled in 2003. It takes a long time to
21 get the disability from the VA.

22 The -- I finished 35 hours of business
23 college before becoming president of a local union
24 in New Orleans. I finished over 65 schools with the
25 United States Army and the United States Postal

1 Service.

2 I write this today to express my values
3 when it comes to the use of our national supply of
4 fuels. And by "fuels," I'm talking about over 900-
5 year supply of oil, natural gas, and coal. And that
6 is -- may be a very conservative estimate.
7 Windmills and solar can never replace the output of
8 these fuels. One natural gas generator can, on ten
9 acres, can produce 500 megawatts of energy. And
10 that would take over 1500 acres of windmills, and it
11 would take over ten square miles of solar panels.
12 And one natural gas turbine can do that with just
13 ten acres.

14 With those figures in mind, we must
15 concern ourselves with environmental
16 responsibilities of the land and the fuels. Land is
17 a commodity that cannot be easily added to. If we
18 were to just use windmills and solar panels for our
19 energy, we would have to live in the oceans because
20 the land would be used for -- to develop energy of
21 that sort.

22 Our nation has the best record in the
23 world for environment. Louisiana has one of the
24 best environmental policies when it comes to
25 production of oil and natural gas. Having worked in

1 those fields, I know this for a fact. I've only had
2 one time where we had the -- I think some sort of
3 hydro gas that came from the well, and that cleared
4 the well out and cleared everybody off. I was stuck
5 in the crow's nest because I couldn't come down,
6 with that gas.

7 But, this deal with Title VI (sic) should
8 be approved, because Louisiana can do everything to
9 keep that stuff, you know, safely and keep it in
10 environmental means.

11 It is due to the excellent environmental
12 policies of Louisiana that Louisiana was the leader
13 in the oil and gas industry. These industries also
14 employ vast amounts of employees, from the oil
15 wells, oil drilling rigs, and the gas stations. To
16 deny them the right to work in these industries does
17 not contribute to our nation's economy.

18 With that, I must ask that Louisiana be
19 granted the Class VI application.

20 **MR. ARMENDARIZ:** Thank you.

21 Next person in line, please.

22 **BRIAN GREFFENIUS:** Brian Greffenius with
23 United Lands. B-R-I-A-N G-R-E-F-F-E-N-I-U-S.

24 Thank you to the EPA for the opportunity.

25 If you are skeptical about the underground

1 injection of carbon, granting Louisiana primacy to
2 issue Class VI permits will appeal. In 1982, Texaco
3 began injecting CO₂, making Louisiana the site of
4 the first carbon injection well in the world. There
5 are 40 years of data. The first conservation laws
6 were enacted in Louisiana in 1906. The state Office
7 of Conversation was started in 1921. Louisiana
8 HB571, now on the governor's desk, extends to 50
9 years the environmental responsibility tail of
10 injection operators. Since 1982, Louisiana has had
11 primacy to issue Class I through V permits.

12 Our Louisiana local stewards are in the
13 best position to efficiently execute Class VI permit
14 applications for projects while keeping the
15 interests of all stakeholders top of mind.

16 The LDNR currently regulates over 3,000
17 injection wells. This decades-old record is a
18 strong recommendation for the advantages local
19 accountability will bring. This accountability
20 ranges from site characterization, well permitting,
21 construction, operation, testing, plugging, record
22 keeping, corrective action, emergency and remedial
23 response, closure and post closure care, and
24 environmental financial assurances.

25 The local experience of our scientists and

1 officials, who have developed deep familiarity with
2 our hydrology and geochemistry, are the heart of a
3 safe permitting process. Carbon sequestration has
4 an important and material part to play in the move
5 to supplemental energy and reduced emissions. The
6 prudent course forward for Louisiana is to add Class
7 VI wells to their oversight regime.

8 Thank you.

9 **MR. ARMENDARIZ:** Thank you.

10 Next person, please.

11 **MARK MILLER:** My name is Mark Miller, and
12 I'm here representing the Louisiana Oil and Gas
13 Association.

14 **MR. ARMENDARIZ:** Are you ready, sir?

15 **MARK MILLER:** Yes. Mark Miller, just like
16 it sounds.

17 Thank you, members of the Committee. We
18 appreciate your time.

19 My name is Mark Miller. I'm the current
20 chairman for the Louisiana Oil and Gas Association,
21 Carbon Capture Utilization and Storage Committee.
22 I'm a long-term member of the Sierra Club, have
23 worked for 30 years in the environmental site
24 assessment remediation business, and also a member
25 of the energy business.

1 I'm here today to tell you that we believe
2 primacy and carbon capture make good sense for
3 Louisiana. Our governor and the administration have
4 endorsed carbon capture opportunity for the last few
5 years, and understand that Louisiana can be a leader
6 in this space, thereby taking the next step in
7 improving our emissions footprint and advancing the
8 state's industry through modernization and
9 technology.

10 We believe that if primacy is granted to
11 our state, Louisiana can benefit from the creation
12 of more green energy and well-paying jobs for our
13 workforce. Louisiana carbon sequestration can also
14 provide new opportunities in connection with STEM
15 education, good-paying entry-level jobs right out of
16 high school, and ultimately, long-term sustainable
17 careers.

18 It is also our collective opinion that the
19 Office of Conservation, through the Office of
20 Injection and Mining, has significant experience in
21 this realm and is historically engaged in best
22 practices pertaining to regulation of underground
23 injection and storage.

24 Carbon capture has been, as formerly
25 mentioned, in place in Louisiana for years. More

1 specifically, the Office of Injection and Mining has
2 been fully engaged in similar carbon capture
3 underground storage projects, such as EOR, since
4 1982.

5 During this period of time, the Office of
6 Injection and Mining has aggregated tremendous
7 institutional knowledge for storage projects. We
8 think this institutional knowledge can be used to
9 successfully and safely regulate and oversee Class
10 VI well permitting for carbon capture.

11 With our current understanding of how
12 Louisiana primacy will work, it is our belief that
13 it would relieve some of the regulatory
14 administrative burdens from the EPA pertaining to
15 Class VI permitting, while not vacating the EPA's
16 federal oversight.

17 Finally, we believe, with the promulgation
18 of 45Q, Louisiana is poised to help contribute to
19 the effective carbon reduction efforts in the United
20 States, and with the tremendous infrastructure, and
21 trained, experienced, energy-related workforce,
22 Louisiana can make a significant contribution to the
23 overall 45Q implementation and success.

24 I respectfully submit these comments for
25 your consideration. Thank you.

1 **MR. ARMENDARIZ:** Thank you.

2 Next person?

3 **GENE RALEY:** My name is Gene Raley, G-E-N-
4 E R-A-L-E-Y, and I'm here representing the Energy
5 Citizens organization.

6 I've come to speak because I see some
7 extremely similar parallels to the first embargo
8 that occurred in 1972 and '73. And what we're doing
9 now, we're curtailing -- we've been curtailing --
10 the oil and gas industry in the State of Louisiana.
11 We need to bring that back full circle. Because I
12 see what's going on. The -- OPEC is getting ready to
13 jack up our pricing and cut the supply. And
14 hopefully we'll be prepared this time to respond to
15 them.

16 The one thing that I don't like, is I
17 don't like being put last on anything. Why are we
18 catering to people in foreign countries and
19 supplying their needs when we don't supply the needs
20 of the people in this country first? And I'm an
21 "America first" person. And I'm a law-abiding
22 person as well. And, you know, I just -- it just
23 bothers me a lot that I see our president, the
24 current president, making statements like "We need
25 to get rid of the fossil fuel industry."

1 Well, whatever happened to transitioning
2 from fossil fuels to green energy? And not only
3 that, why don't we promote the first green energy?
4 And that would be hydroelectric. We've got the
5 greatest resource in the world right here in our
6 state, which is the Mississippi River. You can put
7 hydroelectric on both sides of that river and send
8 electricity over to South Carolina, and send it to
9 California. It's crazy. You know?

10 We -- and now -- and now -- we used to be
11 number one in hydroelectric. We're now number four.
12 Number one is China, our nemesis. Number two is
13 South America. Number three is Canada. And number
14 four is the United States. And most of the
15 hydroelectric is up in the northeast -- northwest.
16 We have one hydroelectric plant here in the state,
17 and it supports itself. It makes money. And why
18 would we want to promote solar and wind when you got
19 -- you got the resource.

20 On top of that, you can take some of the
21 water that's flowing through there and send it over
22 to the west. Pump it over there through reservoir
23 system. That's crazy.

24 But anyway, I better give it up because,
25 you know, you guys have to talk to a lot of other

1 people. I could debate this thing all day long.

2 But, transitioning, we need to transition from
3 fossil fuels to green energy.

4 **MR. ARMENDARIZ:** Thank you.

5 Next person, please.

6 **DR. BEVERLY WRIGHT:** Good afternoon. I'm
7 Dr. Beverly Wright, spelled B-E-V-E-R-L-Y W-R-I-G-H-
8 T.

9 Before I get started, I just wanted to ask
10 a protocol question. We signed -- we were given a
11 list of who would speak and when, and then when we
12 get here it's by the way you're seated. I just
13 wanted to understand why that change occurred. Or
14 is -- am I wrong? Was I wrong in my interpretation
15 of what the process was?

16 **MR. ARMENDARIZ:** No, Dr. Wright, you are
17 correct. The problem was that, as you can look
18 behind you, there's quite a few reserved seats. We
19 had those seats already set up for appointment. So
20 instead, we decided to go from left to right so you
21 wouldn't have to wait for those people that are
22 coming in late.

23 **DR. BEVERLY WRIGHT:** Yeah, well, I was
24 number three, so I wouldn't have been waiting long.
25 And I have a schedule to get back to New Orleans.

1 So --

2 **MR. ARMENDARIZ:** We apologize for that --

3 **DR. BEVERLY WRIGHT:** -- please forgive me
4 for changing my seat to the front, but that -- when
5 I saw what you were doing, I decided I needed to
6 move, because I have to get back to New Orleans.

7 **MR. ARMENDARIZ:** Well, thank you for that.

8 **DR. BEVERLY WRIGHT:** Yeah. I just wanted
9 to question.

10 So, I'm the executive director of the Deep
11 South Center for Environmental Justice based in New
12 Orleans, Louisiana. I oppose approval of the
13 Louisiana Department of Natural Resources'
14 application for primacy to regulate companies that
15 seek to inject carbon dioxide waste underground.

16 Through education and research, the Center
17 works collaboratively with communities to build
18 their capacity to drive solutions to industrial
19 pollution that harms their health and warms our
20 planet. We have achieved results in strengthening
21 community organizations, improving the health of
22 community members, training 17,000 people for
23 environmental careers, with a job placement rate of
24 91 percent, and moving our state toward an equitable
25 and renewable energy economy.

1 For more than 30 years, we have worked to
2 place equity and justice at the center of
3 environmental energy and climate policies. However,
4 after these steps forward, we are now confronted
5 with the possibility of a major setback. Oil and
6 gas companies are now attempting to push us back and
7 lock us in the continued burning of dirty energy,
8 dressed up with carbon capture and storage, or CCS,
9 for numerous proposed gas plants.

10 They have targeted Louisiana for the
11 underground disposal of their carbon dioxide waste,
12 and want to apply to the DNR for permits to do this.
13 Today's hearing by the EPA is more than whether DNR
14 should have this permitting authority over the Class
15 VI Underground Injection Control Program. It's
16 about our future.

17 What will our future be with the approval
18 of a flawed application by the DNR that fails to
19 acknowledge the constitutional duties as a public
20 trustee, which include the active and affirmative
21 protection of overburdened communities in Louisiana
22 who are disproportionately black, indigenous, and
23 poor, and demand environmental justice.

24 Do we want our future in the hands of the
25 DNR that plans to outsource, to unnamed and unknown

1 companies, without any contract terms, the job of
2 managing millions of tons of carbon dioxide waste
3 that can contaminate groundwater sources of drinking
4 water, trigger earthquakes, and migrate above ground
5 to any of the known and unknown unplugged oil and
6 gas wells?

7 Who wants a future that repeats the past
8 of leaking and broken-down oil and gas wells that
9 are abandoned by companies? This is what we have
10 with state laws that place the burden on the people
11 of Louisiana to pay for and remedy the damage that
12 occurs from carbon dioxide injection wells, and
13 allow companies to walk away from the liabilities
14 imposed by federal regulations.

15 Our future needs an EPA that will stand
16 with the people of Louisiana who want a healthy and
17 safe place to live for their families and future
18 generations.

19 I call on the EPA to deny the DNR's
20 application. Furthermore, I request the EPA to
21 restart this process, in order to consider the
22 recent state legislative changes related to carbon
23 dioxide waste injection and allow for public notice
24 and comment.

25 Thank you.

1 **MR. ARMENDARIZ:** Thank you, Dr. Wright.

2 **(Applause.)**

3 **MICHAEL BRASSETT:** Good afternoon. My
4 name is Michael Brassett. It's spelled M-I-C-H-A-E-
5 L B-R-A-S-S-E-T-T.

6 I'd like to thank you for your time. I
7 wanted to shift the focus to another set of issues
8 that immediately present themselves with the
9 granting of primacy for the UIC program to the DNR.
10 Opening door for the issuance of CCUS Class VI
11 permits. I would like to use this platform to
12 encourage the state to enact the necessary laws and
13 regulations to protect the property rights of all of
14 its citizens and stakeholders, including but not
15 limited to the mineral servitude owner.

16 Louisiana Civil Code Article 490 states as
17 follows: Unless otherwise provided by law, the
18 ownership of a tract of land carries with it the
19 ownership of everything that is directly above or
20 under it. The owner may work -- may make works on,
21 above or below the land as he pleases and draw all
22 the advantages that accrue from them.

23 Unless he is restrained by law, or by the
24 rights of others, such as the mineral servitude
25 owner, Article 490 indicates that the pore space

1 below a tract belongs to the landowner, and as such,
2 he alone possesses the ability to grant what we'll
3 call carbon capture utilization storage rights.

4 These rights hypothetically would be
5 conveyed via an exclusive and perpetual servitude to
6 inject carbon dioxide, with compensation taking the
7 form of surface damages, injection fees, and
8 possible participation in volumetric royalty
9 afforded by 45Q. However, the issues begin to arise
10 once other, um -- others, such as the mineral
11 servitude owner, present themselves into the
12 scenario.

13 The law on carbon capture and
14 sequestration as it relates to projects on privately
15 owned lands is unclear in Louisiana, and there are
16 no statutes or cases that explain the interplay
17 between the rights of the three necessary parties,
18 the surface owner, the mineral servitude owner, and
19 the carbon capture utilization storage project
20 operator.

21 Louisiana may have incredible carbon
22 dioxide storage potential, but it is also a mineral-
23 rich state with many mineral servitude owners. No
24 guidance from the Legislature or courts, uh, is --
25 is directive.

1 Landowners, mineral servitude owners, and
2 the carbon capture utilization storage operator,
3 each occupy uncertain positions, rife with conflict
4 that can be avoided. These three parties will
5 continue to remain in uncertain positions, which
6 inevitably will lead to costly and timely
7 litigation, placing the courts directly into the
8 flight plan for these (indiscernible) projects.

9 The surface owner would seem to have the
10 rights to pore space below his tract. Accordingly,
11 he can freely grant the CCUS rights to any
12 interested party. However, when a mineral servitude
13 burdens the tract, could he still grant such rights
14 without the servitude owner's permission? Could he
15 face civil liability for interfering with the
16 servitude owner's rights?

17 Servitude owner has the exclusive right to
18 explore for and produce for minerals in Louisiana.
19 The existence of a CCUS would likely hinder that
20 right and could make the land less attractive to
21 potential lessees. Will the servitude owner have a
22 claim against the CCUS operator? Would he have one
23 against the landowner? Would he need to accommodate
24 the CCUS operator?

25 The CCUS project would continue for many

1 years, injecting CO2 deep underground. To what
2 extent would operations be hindered by the presence
3 of a servitude owner? Should the CCUS operator seek
4 arrangements with the landowner and the servitude
5 owner?

6 Um --

7 **MR. ARMENDARIZ:** Thank you --

8 **MICHAEL BRASSETT:** I see my time. Thank
9 you.

10 **MR. ARMENDARIZ:** Thank you.

11 Next person?

12 Ma'am, did you -- I'm sorry. Excuse me.

13 Ma'am, did you register to speak?

14 **SPEAKER:** No.

15 **MR. ARMENDARIZ:** No? You did not; okay.

16 All right. Sir?

17 **SPEAKER:** I'm registered.

18 **(Inaudible comments.)**

19 **MR. ARMENDARIZ:** We're going from left to
20 right, so we're starting the second row. Left to
21 right.

22 **JESSE GEORGE:** My name is Jesse, J-E-S-S-
23 E, George, G-E-O-R-G-E.

24 **MR. ARMENDARIZ:** Are you ready, sir?

25 **JESSE GEORGE:** Sure. My name is Jesse

1 George. I'm a citizen of Cherokee Nation, and I
2 serve as New Orleans policy director for the
3 Alliance for Affordable Energy. Moreover, I'm a
4 lifelong resident of south Louisiana. I turn 40
5 next month. I offer these comments today in
6 opposition to the Louisiana Department of Natural
7 Resources' application for permitting primacy for
8 Class VI carbon waste injection wells.

9 I'm not here to assail you with facts and
10 figures about how carbon capture is a fossil fuel
11 scam that has a track record of failure, or about
12 how similar injection wells under the authority of
13 LDNR have swallowed entire communities, such as
14 Bayou Corne. Or about the hundreds of abandoned and
15 leaky oil and gas wells under its authority. Or
16 about how carbon dioxide is a corrosive asphyxiant
17 that will be piped at extreme pressures through
18 sensitive wetlands and low-income neighborhoods.
19 You will hear from many other folks over the next
20 three days who can speak to all of those things much
21 more expertly than I can.

22 I'm not here to deliver facts and figures,
23 because I do not believe that those facts and
24 figures will be determinatives in this process. I
25 think the conclusion has already been reached, as we

1 heard at the beginning of this hearing.

2 Rather, I'm here to deliver a message to
3 those who would turn Louisiana into a dumping
4 ground. You are not welcome, and your efforts here
5 will not be worth your while. There is a
6 groundswell of folks in Louisiana who are prepared
7 to challenge every page of permit and -- and oppose
8 every foot of pipeline to prevent further
9 degradation by the same petrochemical companies that
10 have turned our state into an ever-eroding cesspool.

11 The Biden Administration has made
12 environmental justice a major talking point, but at
13 nearly every turn, has betrayed environmental
14 justice communities, from the Arctic, to Appalachia,
15 to the Gulf Coast.

16 The White House Environmental Advisory
17 Counsel has rejected carbon capture as incompatible
18 with environmental justice, yet EPA administrator
19 Michael Regan sent a letter to state governors dated
20 December 9, 2022, encouraging states to seek
21 permitting primacy for Class VI wells.

22 We know, from past experience with oil and
23 gas wells and pipelines, where these projects will
24 be sited: In low-income communities, black
25 communities, and indigenous communities. And I can

1 guarantee you, none of the folks here speaking in
2 support today are volunteering their own
3 neighborhoods for the siting of these projects.

4 Environmental justice must be more than
5 campaign rhetoric, and public hearings such as this
6 must be more than a procedural box to check.

7 Now is the EPA's opportunity to reveal its
8 true commitment to environmental justice principles.

9 **(Applause)**

10 **LEO MARTIN:** My name is Leo Martin, L-E-O
11 M-A-R-T-I-N.

12 I'm here to urge you to leave the controls
13 of this primacy matter in the hands of the Louisiana
14 State Department of Natural Resources.

15 I'm a lifelong resident of Louisiana. My
16 parents are also born and raised in Louisiana.

17 I'm a retired instrument engineer from
18 ExxonMobil, 37-and-a-half-year service. I'm well
19 experienced in chemical plant operations. I
20 specialize in large machinery controls. I have
21 years of experience in protective systems in a
22 chemical plant operation. And we always try to use
23 something called a "five-minute rule": If a person
24 has to make a decision in less than five minutes,
25 there's a good chance they're going to make a

1 mistake. So we put in protective controls to
2 prevent that. I've dealt with other regulations:
3 OSHA, NFPA, National Electric Code, what have you.

4 I live in Pointe Coupee Parish, Louisiana.
5 Pointe Coupee Parish is a large producer of natural
6 gas and oil. We have injection wells less than a
7 half a mile from my house that have been in service
8 for many years. We've had no issues.

9 The oil and gas industry is vital to
10 Louisiana. Jobs. Taxes. Production of critical
11 products. Research. Development. Invention of new
12 products. My concern is more about -- much like the
13 education system. The closer the control is to
14 home, the better off we'll all be.

15 So I urge you, again, to leave the control
16 of this matter to the State of Louisiana. I think we
17 have the people in place that know how to handle it,
18 and have better experience than probably anybody
19 else in the United States.

20 And this is not paid for. I do not speak
21 for ExxonMobil. Thank you.

22 **MR. ARMENDARIZ:** Thank you, sir.

23 **MONIQUE HARDEN:** My name is Monique
24 Harden. First name M-O-N-I-Q-U-E, last name H-A-R-
25 D-E-N. I'm the director of law and public policy

1 and community engagement program manager at the Deep
2 South Center for Environmental Justice, and I oppose
3 EPA's draft approval to give primacy to the
4 Louisiana Department of Natural Resources.

5 The public hearing today is a pivotal
6 moment for Louisiana. I'm here because I want
7 better for my state, where I've lived for over 40
8 years. However, and unfortunately, the EPA is
9 proposing a rule that increases hazards and risks
10 for the people of Louisiana, our environment, and
11 our climate. The EPA has no legal justification for
12 placing numerous conditions on the DNR in a
13 Memorandum of Agreement, or MOA, when those
14 conditions are required to be in the application
15 itself. The DNR's failure to submit an application,
16 with these and other conditions included, should be
17 grounds for denial. Not approval.

18 The recent report by the Institute for
19 Energy Economics and Financial Analysis on the
20 carbon dioxide disposed beneath a seabed in Norway
21 shows that, notwithstanding extensive geological
22 studies, the carbon dioxide did not remain in the
23 injection area, but it migrated to other areas that
24 were not studied.

25 The report also shows that the area

1 determined to be suitable for the injection proved
2 to be resistant to carbon dioxide. This caused
3 pressure to build up as the carbon dioxide was being
4 injected, which compelled the energy company, called
5 Equinor, to scramble to find another area that would
6 be less resistant to the disposal.

7 The report concludes that geological
8 conditions are unique to each location, and dynam- -
9 - and dynamic, because the earth moves, so that even
10 when studied, there are significant unexpected risks
11 for carbon dioxide waste injection.

12 Louisiana's geology is also unique and
13 dynamic, with fault lines, subsidence, and known and
14 unknown abandoned oil and gas wells. There is
15 nothing in the DNR's application that addresses
16 these concerns or demonstrates that it will account
17 for these conditions in the delineation and
18 assessment of the area of review for a proposed
19 carbon dioxide injection site.

20 DNR's failure to manage existing oil and
21 gas wells increases the dangers of carbon dioxide
22 waste injection, as these wells act as straws to
23 draw carbon dioxide to the surface. I -- a map of
24 Louisiana shows the state is covered with abandoned,
25 orphaned, oil and gas wells, some of which are

1 known, and others that are unknown. Where does EPA
2 account for this in its draft approval? It's
3 nowhere.

4 It should be noted that Shell, Chevron,
5 and BP have acknowledged in court documents that
6 materials used to plug oil and gas wells wear away
7 or become damaged. It's just a matter of time.

8 Last note I want to make, is that the
9 changes made to state laws last week by legislators
10 and our governor, require a new proceeding --

11 **MR. ARMENDARIZ:** Thank you, Ms. Harden --

12 **MONIQUE HARDEN:** -- by the Environmental
13 Protection Agency that allows the agency to review
14 the changes, as well as provide the public with
15 notice and the opportunity for comment.

16 Thank you.

17 **MR. ARMENDARIZ:** Thank you.

18 So let's go again to -- yes. The third
19 row.

20 **EILEEN FARLEY:** Good afternoon. Thank you
21 for letting me speak today. My name is Eileen
22 Farley, E-I-L-E-E-N, last name Farley, F as in
23 Frank, A-R-L-E-Y.

24 **MR. ARMENDARIZ:** Are you ready, ma'am?

25 **EILEEN FARLEY:** Okay. I previously -- my

1 name is Eileen, as I say. I previously worked at
2 the U.S. Army Corps of Engineers in New Orleans, as
3 well as the U.S. Army at Fort Polk. I'm now
4 retired, but as a mother and a grandmother, I felt
5 that I needed to speak for the state and the people
6 I love. I want the best for them both.

7 In my married life, my husband was able to
8 make a living as an accountant in the oil company.
9 All of the beneficiaries of the oil and gas
10 industry, don't necessarily work in the oilfield
11 itself, or even in -- for an oil company. For the
12 many associated services, as well as financial
13 benefit to our schools, college, and everyday lives.

14 In the small community where I grew up,
15 there were two main employers, Todd Shipyards and
16 Southern Pacific Railway. As we know, Southern
17 Pacific Railway is no longer there.

18 My dad had a dry cleaning and laundry
19 business. My mom and dad worked very hard to send
20 all four of her children to college. I'm sure I'm
21 not much different than most of the people in this
22 room. Times have changed, but families trying to
23 provide for their children hasn't. As a mother and
24 grandmother, I believe the families of Louisiana
25 need every avenue of income, additional jobs, in the

1 oil and gas industry -- that the oil and gas
2 industry can provide through carbon capture. This
3 is why I'm asking you to approve the Louisiana
4 application for primacy today.

5 Thank you.

6 **MR. ARMENDARIZ:** Thank you.

7 **CAROL MILLER:** Hello. My name is Carol
8 Miller, C-A-R-O-L M-I-L-L-E-R, and I'm speaking on a
9 personal level.

10 I was born and raised in Lake Charles,
11 Louisiana. I still live there. I graduated from
12 Lake Charles High School in 1979. I'm a semi-
13 retired administrative assistant, and I love
14 everything about our state.

15 My hometown still offers that sense of
16 community that many people tend to talk about.
17 Because of this sense of community, people tend to
18 rally together during times of need. I can't
19 imagine losing something this valuable.

20 Throughout my life living in Lake Charles,
21 I have grown up around people who possess strong
22 characters -- characteristics, commendable
23 attributes, good moral fiber, and loveable
24 personalities. I truly grew up in the best of
25 environments.

1 Since 2020, my community, and Louisiana as
2 a whole, have gone through devastating changes, from
3 loss of homes, loss of businesses, increased
4 unemployment, and rising debt. I have never seen
5 these types of struggles in my adult life. It
6 concerns me that continued radical change will
7 further damage a struggle -- a struggling but still
8 strong fiber of our state.

9 Because of change in regulatory policies
10 in the fossil fuel industry, this has resulted in
11 the cleanest burning emissions in Louisiana's
12 history. Learning that, during the process of
13 carbon capture, there are means of recycling that
14 can benefit certain industries, has helped me
15 believe these projects could offer benefits in the
16 future.

17 I understand that the federal government
18 wants to have the final say in how our state should
19 move forward in technology and storage of carbon
20 capture. However, I believe our state government,
21 and the industries associated with carbon capture,
22 should have full primacy over carbon capture. I
23 trust they are qualified in this field. They are
24 qualified to continue already proven research, and
25 continue working the necessary projects presented on

1 a state-approved level.

2 The people of Louisiana, especially in
3 Calcasieu Parish, have gone through our share of
4 extreme weather. In August and October 2020, two
5 hurricanes hit our area. This caused devastating
6 structural damage, electrical outages, loss of clean
7 water. To have any type of quality of life during
8 this time could not have occurred without the use of
9 fossil fuels. We ran generators from sunup to
10 sundown, to enable us to run our wells and fans
11 during the stifling summer.

12 The importance of fossil fuel production
13 goes beyond running generators or providing gasoline
14 for automobiles. When I consider the importance, it
15 is concerning to think that fossil fuel industry may
16 be forced to slow down production. I believe this
17 would incur tremendous costs on businesses and the
18 decommissioning of platforms, and would cause heavy
19 burdens on the citizens of Louisiana, as well as
20 fuel prices increase, unemployment increases, cost
21 of living increases.

22 I believe keeping our fossil fuel industry
23 strong and thriving will benefit the overall welfare
24 of our state, our government, and the citizens of
25 this great state. Grant our state full primacy.

1 **MR. ARMENDARIZ:** Thank you.

2 We have gone about one hour now. Let's
3 take a quick break. Be back at 2:05. And then
4 we'll start with you, sir. So let's just take a
5 quick break. If you need to go to the bathroom --
6 does everybody know where the bathrooms are located?
7 Okay. They're either all the way to the back near
8 the introduction, or the information office, or
9 there's some all the way to my right here down the
10 hall. So be back at 2:05, please.

11 **(Off record at 2:00 p.m.)**

12 **(On record at 2:08 p.m.)**

13 **MR. ARMENDARIZ:** Okay. This hearing is
14 back in session.

15 **KENNY RIBBECK:** Kenny Ribbeck, K-E-N-N-Y
16 R-I-B-B-E-C-K.

17 Hello. I am Kenny Ribbeck, a Louisiana
18 resident living in Hammond, Louisiana, enjoying the
19 great outdoors of our Sportsman's Paradise. My wife
20 Donna and I have four children, all adults now and
21 all making a solid living here in Louisiana between
22 Baton Rouge and Hammond. These children have also
23 afforded us three enjoyable grandchildren, with one
24 more on the way. The grandkids love coming to visit
25 and stay with us as we live on eight acres, enjoying

1 the outdoor life in the woods, pond, and the Yellow
2 Water River that borders us.

3 I retired last year after 38 years as a
4 public servant for the Louisiana Department of
5 Wildlife and Fisheries. I'm currently working as an
6 independent contractor pursuing acquisition of open
7 lands to add to the LDWF Wildlife Management Area
8 System. These lands will be restored to forests as
9 part of an effort to capture carbon from the
10 atmosphere, a project I know will help my children
11 and grandchildren live a better and healthier life.

12 During my career with LDWF, I coordinated
13 and implemented restoration of over 30,000 acres
14 across the WMA system, increasing wildlife habitat
15 for future generations to enjoy.

16 My wife and I graduated from LSU, followed
17 by one daughter, a daughter and son from
18 Southeastern Louisiana University, and a daughter
19 from Phoenix University.

20 The landscape of Louisiana and the
21 cultures represented across the state have captured
22 us, all while allowing each of us to enjoy a great
23 livelihood and community engagement for a fulfilling
24 life. The wild landscape of Louisiana and the laid-
25 back atmosphere of the communities around us have

1 provided the attraction that maintains our presence
2 in the state.

3 The oil and gas industry has been a major
4 factor in the overall development of our state.
5 Energy is a requisite for society today, and while
6 we as a nation begin the transition to cleaner
7 energy sources, it is the experience of the oil and
8 gas industry that we need to lead the way through
9 the transition. Our nation enjoys relatively cheap
10 energy supplies due to the abilities of the industry
11 to tap those resources and supply them in the
12 economy.

13 The industry's experience and talents are
14 fully capable of capturing and safely securing
15 greenhouse gases to address societal concerns today.
16 Allowing Louisiana to achieve primacy in the
17 regulation of Class VI wells, necessary for carbon
18 storage in the pore space below the earth's surface,
19 will align the abilities of the industry with the
20 state to move forward in carbon capture.

21 A significant component of oil and gas-
22 derived goods supplying our nation are manufactured
23 by industrial plants along the lower stretches of
24 the Mississippi River. Industry plans for carbon
25 capture and storage, along with green energy

1 developments in this region, will be most beneficial
2 to our nation if Louisiana is granted primacy in
3 regulating these activities.

4 Living in an environmentally sensitive
5 area like the Pontchartrain and Maurepas basins, I'm
6 excited to know these swamplands will not only
7 provide us the wildlife and fisheries resources we
8 enjoy, protection from hurricanes, and the aesthetic
9 beauty of the wildness, but will also now be able to
10 help a greater portion of society through the safe
11 storage of carbon below ground.

12 I ask and urge your approval of
13 Louisiana's application for Class VI primacy. We
14 must continue to use the experience of an industry -
15 -

16 **MR. ARMENDARIZ:** Mr. Ribbeck --

17 **KENNY RIBBECK:** -- that has the means to
18 move us safely into the next decades.

19 **MR. ARMENDARIZ:** Okay. Thank you, sir.

20 **LIZ RUSSELL:** Good afternoon. I'm Liz
21 Russell, L-I-Z R-U-S-S-E-L-L.

22 **MR. ARMENDARIZ:** Are you ready?

23 **LIZ RUSSELL:** I have the privilege of
24 being the state director for Louisiana at the
25 Environmental Defense Fund. I'm from New Orleans,

1 have spent most of my life in southern Louisiana,
2 and my family and friends are across the state.

3 I want to thank the EPA for holding these
4 hearings, increasing time for testimony, and for
5 creating space for residents and stakeholders to
6 elevate their perspectives. Thank you also to my
7 fellow Louisianians for your leadership and sharing
8 your opinions and experience.

9 Louisiana is on the front lines of every
10 facet of the climate reality. It is our
11 communities, our families, our businesses, economies
12 and culture, that are subject to the impacts and
13 wide-ranging ripple effects of the decisions we are
14 making as a nation working to decarbonize.

15 I am here to elevate some of EDF's very
16 real concerns regarding the prospect of delegating
17 primacy, primary enforcement authority for Class VI
18 wells, to the Louisiana Department of Natural
19 Resources, Office of Conversation, Injection and
20 Mining Division.

21 EDF has serious concerns about Louisiana's
22 current regulatory capacity to effectively
23 administer and enforce the proposed Class VI program
24 in practice. EDF is not convinced that DNR has
25 adequate capacity to oversee the vast number of

1 projects proposed for the state, or that the state
2 is willing to invest the necessary resources
3 required to adequately manage this new program.

4 Already, Louisianians can see at least 27
5 proposed carbon capture projects on the horizon.
6 Per LDNR and EPA staff assessments, each well should
7 be expected to take more than 1500 working hours to
8 permit, after which any project, which might include
9 one, several, or many wells, would need to be
10 inspected regularly, their underground plumes
11 tracked, and their operator submissions analyzed for
12 compliance with laws and regulations.

13 At this point, LDNR has communicated
14 intentions to hire seven additional staff, seemingly
15 far insufficient to address the large and growing
16 list of proposed projects. There is also an
17 important distinction to make here, and in the
18 question of where Louisiana is willing to invest
19 resources: Between staff hired to accelerate
20 permitting decisions, and staff supported to ensure
21 rigorous compliance, monitoring, and enforcement on
22 an ongoing basis with regular, unannounced site
23 visits.

24 We are concerned that the existing history
25 of underinvestment and oversight, illustrates

1 worrying tendencies that could likely be replicated
2 in the deployment of a Class VI program.

3 EDF also holds concerns that LDNR could be
4 the subject of pressure designed to accelerate the
5 deployment of CCS in a manner that does not center
6 safety, that is harmful to the health and economic
7 well-being of overburdened and marginalized
8 communities, that endangers sensitive ecosystems and
9 meaningful investments in wetland restoration, and
10 that does not take necessary steps to preserve safe
11 drinking water access for Louisiana residents.

12 In addition to the stated concerns about
13 regulator capacity and empowerment, my colleagues,
14 Scott Anderson and Bria Calvin, will share
15 additional details regarding outstanding legal and
16 policy concerns with operator liability and
17 enforcement, public trust doctrine, overburdened
18 communities, and environmental justice.

19 Given the unique histories and realities
20 present in Louisiana, EDF cannot support the
21 proposed EDF -- EPA decision to grant primacy to
22 LDNR at this time.

23 Thank you for your effort and
24 consideration.

25 **MR. ARMENDARIZ:** Thank you.

1 **SCOTT ANDERSON:** Hello. My name is Scott
2 Anderson. I'm a senior director in the Energy
3 Transition Program for Environmental Defense Fund.
4 S-C-O-T-T A-N-D-E-R-S-O-N.

5 I appreciate the opportunity to be here
6 and express additional concerns. As my colleague
7 Liz just expressed, EDF's concerned about
8 Louisiana's regulatory capacity, about the state's
9 ability to promote environmental justice in other
10 matters, and we do not believe that Louisiana is
11 ready for primacy at this time.

12 I'm going to focus on questions about
13 whether Louisiana has enforcement powers that are as
14 stringent as EPA -- as EPA's, which is one of the
15 things necessary for EPA to be able to legally
16 delegate program primacy to the state. We'll
17 elaborate on that in written comments, but for now,
18 I'd ask you to keep four points in mind.

19 First, as you may know, major changes were
20 made in Louisiana's House Bill 571 by a conference
21 committee before the bill was adopted. The bill had
22 passed the House 98 to one, and the senate 37 zero,
23 with language that narrowed Louisiana's storage
24 operator liability exemptions to a much greater
25 extent than what was done in the final bill. There

1 had been no public opposition to the original
2 language. And in order to limit it, the conference
3 had to go outside the bounds of a relatively minor
4 difference between the two chambers.

5 My second point is that when EPA adopted
6 Class VI, it clearly refused to grant any kind of
7 liability relief after closure, except for two legal
8 consequences. One is that, when closure is
9 approved, that people get their financial assurance
10 refunded, and the other is that they are allowed to
11 discontinue routine monitoring.

12 Third point is that while 571 did reduce
13 the scope of liability exemptions that were adopted
14 in 2009, it's not clear that the state has the
15 enforcement authority required by Section
16 145.13(a)(1) of the EPA regs. The state cannot
17 immediately and effectively restrain violations that
18 manifest the proposed closure period unless the
19 problem can be quickly traced back to a pre-closure
20 regulatory violation. And the state apparently
21 cannot restrain criminal or tortious conduct at all.

22 Finally, it's not clear that the state can
23 satisfy Section 145.13(a)(2) of EPA's regs. This is
24 because the Louisiana statute prevents the state
25 from enforcing program requirements that in some

1 cases don't kick in until after closure, such as
2 record retention requirements and deed recordation
3 requirements.

4 In closing, I'd like to say that although
5 EDF does not believe the state is ready for primacy
6 at this time, we --

7 **MR. ARMENDARIZ:** Thank you, Mr. Anderson.

8 **SCOTT ANDERSON:** We appreciate you.

9 **MR. ARMENDARIZ:** Thank you, sir.

10 **DAN YATES:** Good afternoon. Dan Yates, D-
11 A-N Y-A-T-E-S. I represent the National Association
12 of the Ground Water Protection Council.

13 Thank you. The Council appreciates the
14 opportunity to provide input on the State of
15 Louisiana's primacy revision application to the US
16 EPA. The GWPC is the association of state agencies
17 administering the UIC program in the U.S. We are the
18 national member association for state UIC Class VI
19 regulatory programs, and we have worked closely with
20 the states on programmatic topics over many years as
21 it implemented the current UIC program. The LDNR
22 has effectively administered the state's program for
23 UIC while (sic) Classes I through V since EPA
24 granted the state primacy. GWPC is in support of
25 the state application for primacy, and makes the

1 following observations.

2 The state has a strong, well-established
3 UIC program with dedicated, knowledgeable,
4 experienced staff. The state is invested in
5 protecting its drinking water sources, which is
6 highlighted by the LDNR UIC program mission, as well
7 as ensuring protection of public safety and the
8 environment.

9 Several CCUS proposed projects are
10 currently under coordinated technical review by EPA
11 Region 6 and LDNR. LDNR's UIC program is staffed
12 with licensed engineers, licensed geologists,
13 program managers, UIC inspectors, and other subject
14 matter experts with decades of Louisiana and UIC-
15 specific expertise. LDNR's UIC staff have extensive
16 knowledge of the state's geology, drinking water
17 aquifers, petroleum resources, and specific
18 reservoirs proposed for use in sequestering CO₂.

19 LDNR has extensive experience reviewing
20 UIC deep well applications and writing complex UIC
21 permits, as demonstrated by its long years of
22 permitting and regulating UIC Class I injection
23 wells. LDNR has extensive knowledge of historic UIC
24 deep well operations and reservoir responses, which
25 will be key in conducting effective application

1 reviews, including appropriate siting.

2 We at the Council understand that
3 environmental justice is of particular concern in
4 relation to proposed Class VI activity. One of our
5 core objectives is to help our member agencies
6 develop and improve regulatory capacity.

7 Over the preceding 40 years, several
8 emerging issues affecting UIC programs have been
9 identified and addressed through our capacity
10 development activities. We are committed to help
11 state programs, including Louisiana, build capacity
12 on environmental justice specific to the Class VI
13 permitting and other future emerging issues related
14 to this program. GWPC believes that LDNR will run
15 an effective UIC Class VI program and that it should
16 be delegated primacy.

17 Thank you.

18 **MR. ARMENDARIZ:** Thank you.

19 I think at this time we are ready to start
20 row number four.

21 **TOMMY FAUCHEUX:** Good afternoon. Thank
22 you. Tommy Faucheux, T-O-M-M-Y F-A-U-C-H-E-U-X,
23 president of the Louisiana Mid-Continent Oil and Gas
24 Association.

25 **MR. ARMENDARIZ:** Ready, sir?

1 **TOMMY FAUCHEUX:** Sure.

2 Establishing Class VI primacy for
3 Louisiana is a pivotal step to allow Louisiana
4 leaders to determine what's best for our industry
5 and our communities. Local oversight will give the
6 state the ability to quickly and safely implement
7 the latest processes, technologies, and regulations,
8 to keep Louisiana at the forefront of energy
9 innovation and production.

10 Carbon capture and storage technologies
11 have been safely operating in the U.S. for more than
12 50 years, with an established record of performance.
13 It will provide a viable pathway for the
14 decarbonization and continued operation of existing
15 industrial manufacturing and energy facilities in
16 our state, preventing facility closures and securing
17 the jobs and livelihoods of thousands of
18 Louisianians.

19 We are on the verge of a new golden age of
20 energy production and all that comes with it: New
21 jobs, more state revenues, and a stronger economy.
22 To achieve this, it will take utilizing the latest
23 technologies, like carbon capture and storage, which
24 allows us to produce more energy, support energy
25 independence, and reduce carbon dioxide emissions

1 all at the same time.

2 Louisiana needs primacy for several
3 reasons. One, Louisiana knows its geology best, and
4 should be empowered to make decisions for its energy
5 future. Louisiana is an optimal location for carbon
6 capture and storage investments. We are fortunate
7 to have ideal geography and geology for
8 sequestration, as well as safely operating
9 facilities across the state located near existing
10 pipeline infrastructure. It will protect jobs. It
11 will -- we have a highly trained, highly skilled
12 workforce that is well suited to do this work. We
13 know how to do it, and we know how to do it safely
14 for our environment and for our communities.

15 To reduce greenhouse gas emissions while
16 protecting the livelihoods of Louisianians, we must
17 implement safe, viable solutions like CCS. It will
18 help achieve the climate goals as Class -- it will
19 help achieve climate goals, as Class VI primacy
20 creates a timely and efficient path to achieve the
21 state's net zero goals by 2050, and supports
22 national and global climate targets.

23 And finally, it's good for communities.
24 Keeping decision-making close to the communities
25 where projects are happening will foster better

1 community engagement. Louisiana is five-plus years
2 ahead of other states for CCS investment. We are
3 seeing opportunities for hundreds of millions of
4 dollars and thousands of jobs to come to this state
5 as a result. The industry has evolved, improved,
6 and progressed. Louisiana has been at the forefront
7 of energy innovation during this time, and can be
8 for decades to come.

9 Carbon capture technology is changing how
10 communities are approaching their own environmental
11 and business futures. This is a fact. Louisiana
12 can choose to innovate and lead as the energy
13 industry progresses, or we can stand still.

14 Final approval of the state's application
15 in Louisiana acquiring -- for Louisiana to acquire
16 primacy, is extremely important. It is critical to
17 our state's success in carbon capture and storage
18 investments, and important to our future.

19 Thank you.

20 **MR. ARMENDARIZ:** Thank you.

21 **JAMES DILL:** Good afternoon. James Dill,
22 D-I-L-L.

23 My name is Jim Dill and I'm from
24 Lafayette, Louisiana. I was born and raised here in
25 Louisiana, originally growing up in Crowley,

1 Louisiana. My father was a Marine Corps captain who
2 became a high school principal and head football
3 coach, and believed in hard work. My parents had
4 seven children, and taught us the value of that hard
5 work.

6 I graduated LSU in 1985 in business
7 administration, and went on to finish a law degree
8 at the University of Loyola law school in New
9 Orleans.

10 I'm an avid fisherman and spend a lot of
11 my time down on the Gulf Coast fishing. Two weeks
12 ago we caught our limits of fish, spending all of
13 our time riding around the Gulf Coast, as we always
14 do. I can tell you that the oil industry is
15 protecting our environment today, and they do an
16 excellent job of maintaining things there. I can
17 tell you from personal experience that our fish
18 stocks are helped by the structures that the
19 industry has built and continues to maintain.

20 I have a wife and three children. Two of
21 my daughters have joined the ranks of LSU alum. My
22 daughter Clara finished in political science this
23 past December, and my daughter Hannah is a 2019
24 graduate in communication disorders. Hannah married
25 Nick Bush, who was a left-handed pitcher for the

1 Tigers, and who has gone on to play for the Colorado
2 Rockies baseball organization. And to say we bleed
3 purple and gold is probably an understatement. I'm
4 here early today because the Tigers play tonight for
5 a national -- in the National Championship Series,
6 and I hope to be home for that.

7 Owing my own business has helped me to
8 understand how people affect the economy, and how
9 the economy affects our people. I've grown up with
10 people in the oil industry. I've watched them work
11 hard to support their families. I've watched them
12 suffer when the industry failed to provide jobs for
13 them to support those families. I personally wanted
14 to work in the industry back in the 1980s but my
15 father insisted that I finish my education.

16 The reason I support the carbon capture
17 for Louisiana, for the primacy to make that
18 decision, is that I'm tired of seeing my friends
19 have to leave the state to find employment. Back in
20 the early '80s, my hometown, Lafayette, had a
21 mantra: "We believe in Lafayette." It was when the
22 oil industry was down. That bumper sticker, within
23 six months, became the most popular bumper sticker
24 in Atlanta, Georgia, because we lost all of our
25 people.

1 I can personally tell you that 15 years
2 ago, the industry comprised 25 percent of my
3 transportation practice and was thriving. Today,
4 less than five percent of my transportation work
5 deals with the oil industry, and most of it comes
6 from national accounts.

7 We are a proud and resourceful people in
8 Louisiana. If you look at the advances in the oil
9 industry, across the world, most of them have come
10 out of this state. We want to be an example that we
11 can safely produce hydrocarbons across the country.
12 We can safely provide employment for our people, and
13 we should have primacy to make those decisions.

14 Thank you.

15 **MR. ARMENDARIZ:** Thank you, sir.

16 **JADE WOODS:** Good afternoon. My name is
17 Jade, J-A-D-E, Woods, W-O-O-D-S.

18 **MR. ARMENDARIZ:** Are you ready, Ms. Woods?

19 **JADE WOODS:** Yes.

20 **MR. ARMENDARIZ:** Okay.

21 **JADE WOODS:** Hello. My name is Jade
22 Woods. I'm a lifelong resident of Louisiana, and my
23 family has lived here for six generations. Today I
24 speak on behalf of the Center for International
25 Environmental Law.

1 In 2021, our organization submitted
2 comments to LDNR on their initial primacy
3 application. And while LDNR responded later that
4 year, their comments then, and the primacy
5 applications as it stands now, fail to sufficiently
6 address key concerns for us and the Louisiana
7 organizations we partner with.

8 In 2021, we expressed concerns about the
9 transportation and injection of carbon dioxide. LDNR
10 responded that PHMSA, or the Pipeline and Hazardous
11 Materials Safety Administration, regulates
12 interstate carbon dioxide pipelines. While this is
13 true, transport and storage are inseparable. As
14 PHMSA has barely begun their rule-making for carbon
15 dioxide pipelines, if Louisiana gets primacy, we
16 will be giving the green light to fast-track the
17 injection of a toxic substance that the federal
18 government has not yet told us how to safely
19 transport.

20 Our second concern was LDNR's ability to
21 safely regulate this new kind of infrastructure,
22 given their limited resources and track record in
23 the past. And although we were reassured that Class
24 VI injection wells would not compete with resources
25 dedicated toward plugging and restoring orphaned

1 injection wells, this is more than our concerns
2 about understaffing at LDNR, or the number of
3 orphaned injection wells. This is about the overall
4 track record of an agency that has failed to
5 properly regulate the infrastructure that they
6 currently have.

7 Next. We believe that the EPA should
8 choose to restart the comment period and begin the
9 clock over, due to the fact that House Bill 571's
10 passage has introduced new complexities to the
11 regulatory regime of carbon capture in Louisiana.
12 Given the adjustments to liability law, and other
13 matters including taxing and regulation, Louisiana's
14 primacy application, as it currently stands, does
15 not adequately address this new legislation, nor
16 have the people of Louisiana been allowed to respond
17 to it in its current passage.

18 Finally, as part of comment, I would like
19 to submit this report that was prepared in close
20 partnership with local Louisiana organizations. It
21 documents the over 20 new carbon injection projects
22 that have been proposed for Louisiana and explains
23 the rapid rate at which new infrastructure would be
24 introduced for regulation, which the state does not
25 currently have capacity for. Simply put, Louisiana

1 is not ready.

2 Thank you.

3 **MR. ARMENDARIZ:** Thank you.

4 **SCOTT EUSTIS:** Hello. My name is Scott
5 Eustis, S-C-O-T-T E-U-S-T-I-S. Louisiana born and
6 raised, all the generations. I think my cousin's on
7 the rugby team; all that. I'm the community science
8 director for Healthy Gulf, an environmental group
9 working across five Gulf states. I'm here to speak
10 against EPA granting primacy to LDNR, as a grandson
11 of an oil family.

12 My grandfather had a long experience with
13 the mineral board. Had to drive to Baton Rouge as a
14 90-year-old man because the department still does
15 not accept email for public comment, is not holding
16 the required parish hearings on mineral leases for
17 carbon injection. The department is not ready to
18 comply with the EPA rules on environmental justice.
19 It's -- the department's not able to fulfill its
20 existing duties to the Louisiana Constitution,
21 namely the governance of wells, nor coastal
22 management. Where LDNR maintains control, these
23 duties have floundered, and where the state has
24 taken the duties away from LDNR, such as coastal
25 restoration, we succeed.

1 We have a broken land. Look at a map for
2 the vast non-compliance issues the department has
3 with the Class VI applicants in the report we'll be
4 submitting. With thousands of broken wells across
5 the state, LDNR's orphaned well program has not kept
6 pace with the companies abandoning wells. The
7 department will pass rules, the legislature will
8 pass laws, encouraging companies to dump these
9 assets onto the department.

10 The department does not have the staff to
11 deal with it. So the number of orphaned wells has
12 more than doubled since 2013, to 4600. The number of
13 uneconomic wells has ballooned to 2800. So the real
14 number of broken infrastructure the department is
15 not maintaining, is in the tens of thousands of
16 wells. And you can see it in a map of the state.
17 And these wells are -- are compromising any ability
18 to store carbon.

19 And you see two kinds of applicants out of
20 the 20. Some take that bore hole guidance by EPA
21 seriously, and they say Well, we have to now build a
22 100-mile pipeline to get to the last bit of
23 Louisiana that's not Swiss cheese. That's a
24 tremendous wetlands impact. And that's Conoco,
25 Exxon, Denbury. Denbury wants to -- they say, We

1 have to eject into a federal wetlands restoration
2 project because Louisiana is so unsuitable, the
3 amount of bore holes. Then we have companies like
4 Sempra, totally ignoring that. They're injecting
5 into Black Lake, with 1500 existing bore holes, just
6 in that one field.

7 We asked LDNR about environmental justice
8 on rules we support. LDNR asked us not to comment
9 on environmental justice. I don't know what that
10 means, but it's a tremendous red flag. We know the
11 legislature tends to take away anything the
12 department -- anything positive the department tends
13 to do. And just, I -- we really need EPA to conduct
14 a programmatic --

15 **MR. ARMENDARIZ:** Mr. Eustis --

16 **SCOTT EUSTIS:** -- environmental impact
17 statement for the wetland damages. We are estimated
18 at 4,000 acres for the over 20 projects. If you --
19 we need this in order to --

20 **MR. ARMENDARIZ:** Thank you, sir --

21 **SCOTT EUSTIS:** -- assess cumulative
22 impacts for this primacy decision.

23 Thank you very much.

24 **MR. ARMENDARIZ:** Thank you, sir.

25 So, we're going to move forward. Is there

1 anybody in the audience that wishes to speak at this
2 time? Raise your hand.

3 Okay. So let's go with you, ma'am.

4 **SPEAKER:** Good afternoon. My name is
5 Marianne Mushat (sp.).

6 I live in New Orleans, and I just have a
7 couple of questions, listening to both sides. One
8 is, I don't understand why the EPA not retaining
9 control of the carbon sequestration is going to
10 impact the oil and gas industry. It's my
11 understanding that the oil and gas industry is going
12 to be fine, one way or the other. So I think it's,
13 um -- and I don't think they're going to lose any
14 jobs if the EPA retains the control. So I feel like
15 that's a bait-and-switch movement -- or move, on
16 their behalf, and I think it -- it, um -- I don't
17 think it's, um, fair.

18 Um, I guess that is -- and I -- the -- no
19 offense to the Department of Natural Resources, but
20 their inability to maintain or take care of the
21 orphaned wells is very upsetting, when you're
22 thinking of injecting an asphyxiating gas into the
23 bayou and the marshes, and the arguments that have
24 been made about these injection sites being placed
25 in economically, um, challenged areas, strikes me as

1 that it shouldn't -- I mean that's just not fair.

2 And it's not American, dare I say.

3 But I just -- I just want to voice my
4 opposition to the Louisiana Department of Natural
5 Resources being solely, um, in control of this
6 program, and wondering why can't the EPA and the
7 Louisiana office work together? And does the EPA
8 plan on shutting out the oil and gas industry and
9 not using their expertise? That to me also seems a
10 specious argument. Um -- and I -- so. That's it.

11 Thank you.

12 **MR. ARMENDARIZ:** Thank you.

13 Anybody else?

14 Okay. Yes.

15 **ELIZABETH SOYCHAK:** Hi. Thank you so
16 much.

17 My name is Elizabeth Soychak, and I reside
18 in New Orleans, and I'm the co-chair of Climate
19 Reality Project, New Orleans chapter. And I'm
20 speaking in opposition to the EPA's proposal to
21 granting Louisiana primacy.

22 This past April, I witnessed something I
23 had never seen for myself, that convinced me through
24 and through, the petrochemical industry has a
25 stranglehold on our government in Louisiana. All

1 levels of our government.

2 In the House -- this past April, in the
3 House Committee of Natural Resources, I saw
4 Representative Carter of St. Helena Parish, harassed
5 and bullied by his fellow legislators because he had
6 proposed a moratorium on carbon capture waste
7 injection in his parish.

8 As Representative Carter eagerly
9 emphasized over and over, in defense of his bills,
10 St. Helena is a rural parish that relies on the
11 timber industry. They don't have any polluting
12 petrochemical plants, and they want to keep it that
13 way.

14 So, his colleagues made fun of him. And
15 the committee chairperson did nothing. He did
16 nothing to silence their cruel remarks. And I had
17 to witness this for myself to understand what goes
18 on in Louisiana with the petrochemical industry, and
19 how "Big Oil" is king still.

20 I would like to urge you to remember
21 President Biden's executive order dictating that
22 environmental justice be considered in making all of
23 your decisions. Louisiana is ground zero for this
24 order. I'll say to you what I said to the
25 Department of Energy at a listening session last

1 spring in New Orleans. Racism is real. And black
2 people are dying because of it in Louisiana. You,
3 the EPA, have the power to help stop this crime. We
4 cannot go on like this any longer. And I urge you
5 not to grant Louisiana primacy. The Department of
6 Natural Resources cannot fairly handle this issue as
7 it stands now.

8 Thank you so much for your time and your
9 consideration.

10 And I'd also like to submit this recent
11 report about project finance related to carbon
12 capture projects in Louisiana with my testimony.

13 Thanks.

14 **MR. ARMENDARIZ:** Yes, ma'am. You can come
15 this way, please.

16 Is there anybody else?

17 Okay.

18 **PAIGE POWELL:** Hello. My name is Paige
19 Powell, P-A-I-G-E P-O-W-E-L-L. And I'm the policy
20 manager for Commission Shift.

21 I was born in Baton Rouge, Woman's
22 Hospital, 39 years ago this week. My parents met at
23 LSU. She was from New Orleans and he was from
24 Denham Springs. I've got family in Gonzales and
25 Plaquemine and all along Cancer Alley. Three of my

1 four grandparents have died of cancer, and the
2 fourth of cardiopulmonary disease.

3 I currently live in Houston. I drove four
4 and a half hours this morning to come over and make
5 testimony on behalf of my ancestors, on my kinfolk,
6 and on our descendants, but mostly for the State of
7 Louisiana. LDNR has a long-term history of not
8 protecting the resources which it stewards.

9 Unfortunately, this is the same thing that
10 we're seeing in Texas. There are thousands of
11 orphaned wells across both of our states. We're
12 seeing well blowouts, geysers, subsidence and
13 uplift. There are sinkholes eating away parts of
14 the states. I'm -- we -- I'm sure you're aware of
15 what's happened in Bayou Corne, and how the
16 coastline is surely eroding faster than anywhere
17 else in the United States due to rising sea levels.

18 I know that the authority here in EPA is
19 to protect underground sources of drinking water,
20 and LDNR has not shown that they can be responsible
21 enough to manage these programs. If you look at the
22 history of their current Class II programs and you
23 see the failures therein, you can rest assured that
24 they are not suited to manage more responsibility.

25 I also want to point to the history of the

1 industry in this state. Energy Transfer, Denbury,
2 the list goes on and on. It is up to you, EPA, to
3 regulate these industries, and by giving over
4 authority and primacy to the State of Louisiana, you
5 will be putting the health of the people here at
6 risk. You will be putting the shoreline and the
7 future and security of our generations at risk.

8 I just want to make further plea that you
9 halt the primacy process altogether. I think that
10 the federal government is not ready to move forward
11 with these projects. There is not enough
12 collaboration between the IRS, Department of Energy,
13 DOE -- I'm sorry; PHMSA, EPA, on any of these
14 things. There is no cradle-to-grave carbon
15 accounting methodology. There are no federal rules
16 for CO2 transport. These are not -- this is not
17 ready to move forward. And EPA, you have the
18 authority to put on the brakes for this process. So
19 I beg you to stop the primacy in Louisiana, stop it
20 in Texas, and investigate the Class II programs,
21 because they're mismanaging their power, and you
22 need to intervene.

23 Thank you.

24 **MR. ARMENDARIZ:** Thank you.

25 **(Applause.)**

1 **JUSTIN SOLET:** Hello. My name is Justin
2 Solet, J-U-S-T-I-N S-O-L-E-T.

3 My name is Justin Solet. I'm from Dulac,
4 Louisiana, and a citizen of the United Houma Nation.

5 I was in the oil and gas industry for ten
6 years as a blowout specialist. As an indigenous
7 person and a commercial fisherman, the land and the
8 waters are sacred to my people. They are sacred in
9 ways that are not measurable by profit, nor permit.

10 The history of my people being forcibly
11 removed from our ancestral lands north of Baton
12 Rouge and pushed south to the coastal parishes of
13 Louisiana, was the price paid for industry.

14 Now, again, hundreds of years later,
15 industries like carbon waste injection will create a
16 new forced mass exodus of the people from the lands
17 they love. If Louisiana is given the green light on
18 primacy and permitting of Class VI wells, much of
19 the wetlands, waterways, and our coast, will be
20 destroyed.

21 The Gulf is not a sacrifice zone to be
22 used by industry. Enough is enough. If they're
23 granted -- if LDNR is granted primacy over Class VI
24 wells, they will be used as a rubber stamp for
25 industry. For pro-industry, that will continue to

1 destroy our wetlands. I rise today to please beg
2 you to not grant Class VI primacy to Louisiana.

3 Thank you.

4 **MR. ARMENDARIZ:** Thank you.

5 **(Applause.)**

6 **MR. ARMENDARIZ:** At this time, is there
7 anybody else who wishes to speak?

8 **LOGAN BURKE:** Hello. Logan Burke for the
9 Alliance for Affordable Energy.

10 The application before the EPA that
11 transfers the responsibility of permitting deep
12 injection wells -- waste wells for CO₂, represents a
13 threat to our future and safety. We know what
14 happens when primacy is granted: Permitting and
15 development takes off.

16 While the EPA has only permitted two Class
17 II -- Class VI injection wells nationwide, one of
18 the two states that is -- currently has this
19 permitting responsibility, North Dakota, has already
20 permitted five.

21 Louisiana agencies and leaders have been
22 clear that it fully intends to quickly issue these
23 permits to projects racing to be developed in our
24 state. It's clear that industry trusts that our
25 Department of Natural Resources will move these

1 permits along more hastily than the EPA, as there
2 are nearly a dozen injection projects that have been
3 announced and that are participating in other
4 federal permitting procedures, that have not filed
5 anything to the EPA for deep CO2 injection. This
6 means they're waiting. Industry is waiting. For
7 the famously under-resourced and permissive DNR to
8 have the authority to hand out permits. Industry
9 trusts DNR will move the process along on a timeline
10 to their liking.

11 Communities have no reason to trust that
12 DNR will have the resources needed to rigorously
13 protect our drinking water, land, and air.
14 Louisianians have every reason to believe that the
15 agency proposing to take on that responsibility here
16 is fundamentally unsupported by our state's elected
17 leaders.

18 This year's legislative session in
19 Louisiana was illustrative of a long-standing and
20 notorious unwillingness to enable regulatory
21 agencies in our state to have staff and resources to
22 do their jobs.

23 The phrase "growth of government" was used
24 as a threat dozens of times in our Capitol these
25 last few months, to hold our budget hostage and

1 limit funding for regulation. Phrases like
2 "friendly to business," versus "taxing business,"
3 were used over and over to minimize support to the
4 agencies already entrusted to issue various kinds of
5 permits intended to protect health and safety.

6 Transferring primacy from a federal agency
7 to Louisiana automatically means less oversight,
8 less rigor, and fewer resources to ensure permits
9 are enforced. This isn't even a function of good or
10 bad intention at the agency. It is a function of
11 math and budgets. If the EPA intends to transfer
12 this awesome responsibility to the State of
13 Louisiana, rules with teeth are necessary. I mean
14 rules that ensure that the EPA will claw back
15 primacy if the state does not provide necessary
16 resources to conduct its business. This draft
17 primacy and the current way the EPA works, does not
18 address any chronically underfunded oversight.

19 Please do not approve primacy for
20 Louisiana, for this and all of the reasons described
21 here today.

22 I'm leaving you with a report, out last
23 week, from the Institute for Energy Economics and
24 Financial Analysis, underscoring just how little
25 even well-resourced experts --

1 **MR. ARMENDARIZ:** Thank you --

2 **LOGAN BURKE:** -- know about what happens
3 when you inject super critical CO2 into deep
4 injection wells.

5 **MR. ARMENDARIZ:** Thank you.

6 **(Applause.)**

7 **MR. ARMENDARIZ:** Is there anybody else who
8 wishes to speak? Anybody else in the group?

9 Please come forward.

10 **DOUGLAS MELANCON:** Douglas Melancon. M-E-
11 L-A-N-C-O-N.

12 **MR. ARMENDARIZ:** Okay, sir. Are you
13 ready?

14 **DOUGLAS MELANCON:** All right. I'm here
15 today asking for support for the State of Louisiana
16 in its request for primacy. I'm a lifelong resident
17 of Louisiana, and I'm deeply concerned about the
18 economic prosperity of Louisiana and the
19 environmental future of my state.

20 As an environmental professional and a
21 graduate of LSU, I've spent my entire career in the
22 area of environmental compliance and development of
23 rules that protect our environment while allowing
24 for the responsible development and manufacture of
25 petroleum products.

1 I'm proud to be an employee of ExxonMobil
2 and to be a part of the ExxonMobil low carbon
3 solutions, the low carbon solution initiatives in
4 Louisiana.

5 The recently announced collaboration
6 between ExxonMobil and CF Industries to develop one
7 of the largest of its kind commercial CCS projects
8 to capture and permanently store up to 2 million
9 metric tons of CO2 annually, demonstrates
10 ExxonMobil's commitment to providing critical
11 solutions to decarbonization. Those captured
12 emissions will be equivalent to replacing 700,000
13 gasoline-powered cars with electric vehicles. In
14 addition, this project will help ensure the success
15 of Louisiana governor's -- Governor Edwards'
16 objective of getting to net zero by 2050.

17 For over a century, Louisiana energy
18 industry has led the way in innovation. Now we're
19 investing in low carbon solution projects like CCS
20 to meet the global demand for lower carbon, lower
21 carbon fuels, and emissions. CCS technologies have
22 been safely operated in the U.S. for more than 50
23 years. The regulatory process for underground
24 injection is robust and has been safely implemented
25 since the enactment of the UIC program under the

1 Safe Drinking Water Act in 1974.

2 I'm confident that scientists and
3 engineers at EPA, scientists and engineers at DNR,
4 will work diligently to ensure that all potential
5 risks are properly evaluated and addressed, and the
6 safety of all Louisiana residents and their drinking
7 water will be protected. I urge you to support
8 Louisiana's application for Class VI primacy.

9 Thank you.

10 **MR. ARMENDARIZ:** Thank you.

11 Is there anybody else that would like to
12 speak at this time?

13 Okay. We're going to go over the list of
14 people who had registered to speak, just to make
15 sure that we did not miss them. And if you are here
16 and you raise your hand but you no longer wish to
17 speak, that way we can take you off our list. Okay?
18 So please bear with us.

19 Mr. Donald Williamson? Wilma Subra?
20 Russell Honore? Johnnie Gamble? Jane Patton? James
21 Rhymes? Kirk Parker? Mark Prevost? Jackson Voss?
22 Candace Bounds? Camille Cuske? Larry Murray?
23 Jeffrey Morales? Danny Benoit? Gary Kinsey?
24 Elizabeth Vernon? Joseph Solano? Cathy Canova?
25 Eloise Reid? Diane Norton? Judith Conerly?

1 Nieshea Willis? Laurie Wilson? Joel Prevost?
2 Doris Parker? Leroy Sullivan? Leonard Kaufman?
3 Mark Bennet? Michael Esealuka? Gary Callais?
4 Harriet Terrill? Denise Thornhill? Darryl Wiley?
5 Oran Richard?

6 Okay. Right now we're going to take
7 another quick five-minute break so that we can give
8 you instructions on what we're going to do next.
9 Okay? So let's take a quick five-minute, um -- it's
10 almost 3:00. Let's be back at 3:05, please.

11 **(Off record at 2:58 p.m.)**

12 **(On record at 3:10 p.m.)**

13 **MR. ARMENDARIZ:** Okay. We are back in
14 session. And I'm just going to go ahead and read
15 the last portion of the names who have registered to
16 speak, and if they are here, please let us know. If
17 you no longer want to speak, please let us know.
18 Okay?

19 So, Ivory Dominick? Linda Hunt? Kim
20 Quick? Barbara Grant? Cully Maricle? Phillip
21 Janise? David Lyons? Keith Andrus? Shirline
22 Hanks? Barry Holley? Sonya Guillory? Alma Thomas?
23 Jan Cogswell? Sarah Spizale? Heddy Wray? And
24 Chrissie Walker?

25 Anybody in here? I think, Mr. Wiley, you

1 came in, and you also want to speak?

2 **DARRYL MALEK-WILEY:** That's correct.

3 **MR. ARMENDARIZ:** Come to the podium, sir,
4 and please spell your name for the record, sir,
5 okay?

6 **DARRYL MALEK-WILEY:** My name is Darryl
7 Malek-Wiley. That's D-A-R-R-Y-L M-A-L-E-K hyphen W-
8 I-L-E-Y. I'm here representing the Sierra Club as a
9 senior -- I'm a senior field representative.

10 The Sierra Club is opposed to the proposed
11 primacy for the State of Louisiana. We will be
12 submitting additional written comments with more
13 details about the legal ins and outs. We feel that,
14 um -- there was a gentleman earlier who spoke, said
15 he was a Sierra Club member that was -- and he was
16 in favor of primacy. That is not the position of
17 the Sierra Club. The Sierra Club is against primacy
18 for the State of Louisiana.

19 Our state Department of Environment --
20 Natural Resources, has serious problems with
21 managing the duties placed on itself now. We have
22 thousands of untapped abandoned wells. We have
23 pipelines that are not being regulated properly.

24 They do not have the staff, the
25 capability, or the political will to properly

1 regulate this. The state Department of Natural
2 Resources also does not regulate the drinking water
3 act in Louisiana. That's Department of Health. And
4 there's been no memorandum of understanding between
5 DNR and Department of Health on these issues. Also,
6 there's no memorandum of understanding between DNR
7 and Louisiana Department of Environmental Quality,
8 which has other regulatory authority.

9 So, we feel that with the passage of House
10 Bill 571, now Act 387 signed by Governor Edwards on
11 the 14th of June, the current application submitted
12 to EPA by the Louisiana Department of Environmental
13 Quality, is not correct, and it needs to be re --
14 the whole process needs to be re-set. And with that
15 new information -- because that new law on the books
16 in Louisiana has ramifications that were not
17 addressed in the application to EPA. And EPA needs
18 to look at that and have their scientists and
19 lawyers look at that and see how that's going to
20 impact the possible primacy for the State of
21 Louisiana.

22 We feel that if the state department --
23 the Louisiana Department of Environmental -- Natural
24 Resources -- too many departments -- believes its
25 job is to issue permits. That's what they believe

1 their job is. Their job description might not say
2 that, but they issue permits. An oil company comes
3 in, "We want to drill here." Fine. Fill out this
4 paperwork, give us some money, and you can have your
5 permit.

6 We feel the same thing will happen with
7 carbon capture and storage in the State of
8 Louisiana. And we are opposed to this, and we think
9 there's going to be serious environmental
10 consequences throughout the state with the proposed
11 20-plus carbon capture projects already on the
12 books. And I will, like I said, I will have
13 additional written comments submitted for the
14 record.

15 **MR. ARMENDARIZ:** Thank you. Thank you,
16 Mr. Wiley.

17 Okay. At this time, any other people
18 wanting or wishing to speak?

19 **MARK EHRHARDT:** Good afternoon. I was
20 scheduled to speak at the 6:00 hearing but the nice
21 lady outside said just make sure I sat in the front
22 row.

23 **MR. ARMENDARIZ:** Okay.

24 **MARK EHRHARDT:** So. All right.

25 Good afternoon. My name is Mark Ehrhardt.

1 Ehrhardt is E-H-R-H-A-R-D-T.

2 I'm a native of Louisiana and the
3 executive director of the Grow Louisiana Coalition.
4 Our organization has 110,000 supporters throughout
5 all 64 parishes, and we advocate for policies and
6 initiatives that support a safe and growing energy
7 sector in Louisiana, so that our state can continue
8 to innovate and improve the quality of life for
9 nearly 350,000 Louisianians working in and alongside
10 the industry here every day.

11 We believe that establishing Class VI
12 primacy for Louisiana is an essential step that will
13 help our leaders secure Louisiana's position as a
14 global leader in energy innovation, and protect a
15 safe future for Louisiana, our communities, and
16 environment.

17 Today we are seeing global energy demands
18 transition to a new era of energy production.
19 Louisiana companies are looking to take steps now to
20 utilize this technology. We have been at the
21 forefront of energy innovation for more than a
22 hundred years. In the last 30 years alone, industry
23 has decreased air emissions here by 75 percent,
24 while production increased. Industry innovated in
25 that time, improved its processes, and carbon

1 capture sequestration is the next innovation in this
2 ongoing effort to operate safely.

3 Customers across the world are demanding
4 lower carbon fuels and reduced environmental impact.
5 We can make deliberate, positive change safely now
6 if Louisiana can decide its own future when it comes
7 to Class VI wells. Our state's investment in and
8 oversight of carbon capture and sequestration
9 technology will provide a safe and viable pathway
10 for reaching carbon reduction goals, while also
11 maintaining and improving production supply,
12 industry growth, and global energy demands.

13 If Louisiana can achieve primacy, we will
14 be years ahead of other states in bringing CCS
15 investments to the state, and we can do this safely
16 with the input of the local community. With primacy,
17 North Dakota was able to issue a Class VI permit in
18 eight months, whereas the federal program is taking
19 approximately three to six years. We already have
20 primacy in Louisiana for Classes I through V wells,
21 and we have overseen those programs safely and
22 efficiently.

23 Louisiana should be provided with the same
24 opportunity to decide its own future, and do it in a
25 way that includes citizen feedback. Having primacy

1 authority in Louisiana will allow citizens to speak
2 directly to their state leadership to express
3 themselves. Citizens will be more active in the
4 approval process with primacy than without it. The
5 state Department of Natural Resources is committed
6 to providing the resources and expertise necessary
7 to create an approval and monitoring system that can
8 benefit the entire state, our economy, and
9 environment.

10 Louisiana's energy industry has been the
11 backbone of our state's economy for a century, and
12 has been an essential resource for America and the
13 world's energy supply. The new age of energy is
14 inevitable, and we can meet marketplace demands.
15 It's critical for Louisiana to maintain our place as
16 an energy innovator if we want to create jobs, build
17 a healthy economy, and support the next generation
18 of energy.

19 Thank you.

20 **MR. ARMENDARIZ:** Thank you.

21 Do you want to speak?

22 **SPEAKER:** Yes, please.

23 **MR. ARMENDARIZ:** Okay. Come up, please.

24 Thank you.

25 **JANE PATTON:** Sorry. I just ran here from

1 across the street because I thought I wasn't
2 supposed to speak till Friday.

3 My name is Jane Patton. That's J-A-N-E P-
4 A-T-T-O-N. Um -- I'm happy to start when you tell
5 me to.

6 **MR. ARMENDARIZ:** Are you ready?

7 **JANE PATTON:** Yes.

8 **MR. ARMENDARIZ:** Okay.

9 **JANE PATTON:** Okay. My name is Jane
10 Patton. I'm with the Center for International
11 Environmental Law. Like my colleague, Jade, who
12 spoke before me, I am a sixth-generation Louisianan.
13 I'm a proud graduate of Baton Rouge High. I grew up
14 just around the corner. I'm hopefully going to stop
15 and see my dad on my way back to New Orleans where I
16 live.

17 I am joining a chorus of folks who have
18 spoken before you today, many of us who are also
19 going to be submitting more formal, written comment
20 to say that the State of Louisiana is not ready to
21 take on primacy for carbon injection wells.
22 Frankly, the State of Louisiana is not ready to take
23 on carbon injection wells. The EPA Class VI program
24 does not align with the priorities of environmental
25 justice that the Biden Administration has laid out.

1 It certainly does not align with the priorities for
2 environmental justice that environmental justice
3 communities in Louisiana are demanding.

4 We have been organizing for almost two
5 years now -- actually, two and a half years now --
6 against what we are recognizing as an ambush of new
7 carbon injection and carbon management programs in
8 the State of Louisiana that do not align with our
9 priorities for wetland conservation, that do not
10 align with our priorities for environmental justice,
11 and frankly do not align with a vibrant or viable
12 future for the State of Louisiana.

13 A prior speaker said that he was concerned
14 about his friends who were leaving the State of
15 Louisiana because there were no jobs available. I
16 am concerned about the cacophony, the litany, the
17 long list of friends who have left the State of
18 Louisiana because there is no future here.

19 I have a six-year-old child that I am
20 concerned, when he is 36 years old, as I am, that he
21 will not be able to come visit me on his way back to
22 the city in Louisiana where he lives because it will
23 no longer be safe for me to live in a home in south
24 Louisiana. And injecting the oil and gas industry's
25 waste product under the ground in experimental,

1 proven to be ineffective carbon injection wells, is
2 not the climate solution that the people of
3 Louisiana are demanding.

4 The Gulf of Mexico is rising faster than
5 any other body of water in the world, according to
6 recent studies that I've read, and now is not the
7 time for us to be experimentally injecting waste
8 under the ground. What we need to be doing is
9 prioritizing greenhouse gas emission reduction. We
10 need to be closing the wells that are currently
11 leaking methane. We need to be hiring and creating
12 jobs for people to close those wells, to resolve the
13 issue that we currently already have around wetland
14 loss and wetland destruction. We need to be
15 permitting fewer greenhouse gas emission sources,
16 not more of them.

17 Carbon capture and storage has been proven
18 not to work. It does not reduce the amount of
19 carbon in the atmosphere, and it is a completely
20 unnecessary risk and hazard to require the people of
21 the State of Louisiana to take on.

22 Thank you so much for hearing our concerns
23 today, and I hope that you will hear us and listen
24 to us and not grant Louisiana primacy, and not grant
25 any Class VI injection permits in the State of

1 Louisiana.

2 Thank you.

3 **MR. ARMENDARIZ:** Thank you.

4 Anyone else wanting to speak at this time?

5 Okay. Our session goes up until 5 p.m.

6 Unfortunately we don't have any speakers right now.

7 You are more than welcome to sit here, as we will,

8 and wait if anybody comes in wanting to speak. So

9 we're going to leave the floor open. But

10 unfortunately we don't have any speakers, so I guess

11 we're just going to sit and wait for -- for now.

12 Okay?

13 **(Off record at 3:23 p.m.)**

14 **(On record at 4:15 p.m.)**

15 **MR. ARMENDARIZ:** Okay. Let us get back on

16 the record, and then you can give us your name.

17 Please spell your full name for the court reporter,

18 and then we'll get started. Okay?

19 **KAREN PALMERTREE:** Okay. Thank you.

20 **MR. ARMENDARIZ:** Please also keep in mind

21 that you only have three minutes.

22 **KAREN PALMERTREE:** Yeah, I'm not -- I'm

23 going to make it quick.

24 **MR. ARMENDARIZ:** Very well. Okay. Are we

25 back on the record?

1 Okay.

2 **KAREN PALMERTREE:** Okay. I am Karen, K-A-
3 R-E-N, and my last name is Palmertree, which is P-A-
4 L-M-E-R-T-R-E-E, and I'm from West Monroe,
5 Louisiana. And West Monroe is in the northeast
6 corner of Louisiana. And thank you for allowing me
7 to speak to you today. I'm hoping that I can
8 convince you with my statements that you do approve
9 this, uh, way that we are -- can be environmentally
10 safe, and then also protect Louisiana's revenue.
11 You know, our -- and utilize our natural resources.

12 I am just -- I'm not with any
13 organization. I'm just a mother, a grandmother --
14 and a grandmother is the most -- you know, most
15 important role I've ever played. So you're looking
16 at -- when I'm talking to you, I'm talking to you
17 for the future of my grandchildren. Not me. I can
18 make it. But, you know, they need your help.

19 So, what I wanted to talk to you about is
20 how the petroleum industry has affected me
21 personally. My career started in 1977 in the
22 optical industry. And in the optical industry, we -
23 - all of the -- when they started, used to you had
24 glass lenses and they were made out of sand. Well,
25 then they converted to plastic material, because

1 glass was really -- would break and shatter. And
2 plastic material is made out of the petroleum, and I
3 just happened to get in on the right time when they
4 started out in 1977 with plastic lenses.

5 Well, I was in the manufacturing industry.
6 So, what I've done, with these natural resources
7 that we have right here in Louisiana, is I've helped
8 millions of people. I worked in manufacturing. It
9 was -- we had an office in Austin, Texas, West
10 Monroe, Louisiana, Shreveport, Louisiana, and
11 Jonesboro, Arkansas. So I've helped millions of
12 people see with eyeglasses. And if we take away
13 petroleum, we take away the ability to make the
14 lenses and the frames. We can't do that.

15 Well, later on in my career, I was given
16 the opportunity to work in the retail aspect of the
17 optical industry, which was very good. So that
18 expanded me. I could help people see, but also got
19 involved with contact lenses. I'm sure, with you
20 being the intelligent people that you are, you know
21 that these are all made with petroleum. These are
22 products that are in the market today that help
23 millions of people see.

24 So, I would urge you to continue to do
25 that. But, what I'm -- also would like to speak to

1 you about is how, with the -- the lack of, um, our
2 current supply, I guess, it's driven up the cost of
3 our gas.

4 So I want to talk to you about, because I
5 am a mawmaw, my daughter and how it's affecting her
6 family. Okay? So, average person -- am I out of
7 time already? God.

8 **MR. ARMENDARIZ:** Sorry, ma'am. Yes.

9 **KAREN PALMERTREE:** Aw, man.

10 **MR. ARMENDARIZ:** We are unfortunately out
11 of time.

12 **KAREN PALMERTREE:** Was I that quick on my
13 bio? Okay, well -- the human aspect. Thank you so
14 much.

15 **MR. ARMENDARIZ:** Well, you're very
16 welcome. Thank you.

17 **KAREN PALMERTREE:** But, um -- and I filled
18 out the card with my left hand. Now, would you like
19 to know how this shoulder got broke? Off the
20 record? Because I got these grandbabies. My
21 grandbaby said, Mawmaw, will you go riding with me
22 on the golf cart -- on the go-cart? "Sure, baby."

23 Don't do that. If your grandkids ask you
24 to go riding on the go-cart, say no.

25 **MR. ARMENDARIZ:** Thank you.

1 **KAREN PALMERTREE:** Thank you so much for
2 letting me speak to you.

3 **MR. ARMENDARIZ:** You're very welcome.
4 Thank you.

5 Anyone else? Anyone?

6 **(Off record at 4:19 p.m.)**

7 **(On record at 4:33 p.m.)**

8 **MR. ARMENDARIZ:** Okay. We're back in
9 session. Please state your full name, and spell it
10 for us for the record.

11 **LUCIE MESUCH:** Okay. My full name is
12 Lucie, L-U-C-I-E, Mesuch, M-E-S-U-C-H.

13 **MR. ARMENDARIZ:** Now, Mrs. Mesuch, please
14 keep in mind that you only have three minutes, okay?

15 **LUCIE MESUCH:** Yes, sir. I will. Thank
16 you so much for your attention.

17 **MR. ARMENDARIZ:** Okay. Are you ready?

18 **LUCIE MESUCH:** I am ready.

19 **MR. ARMENDARIZ:** Okay. Go ahead.

20 **LUCIE MESUCH:** Thank you.

21 My name is Lucie Mesuch. I'm a lifelong
22 resident of Sulphur, Louisiana, and a 32-year
23 veteran teacher with Calcasieu Parish, where I help
24 students discover their inner mathematician. I'm a
25 beach lover, and I enjoy being outside in the

1 sunshine, enjoying any type of water activities. I
2 also love sports and supporting our Louisiana teams.
3 Go Tigers.

4 My favorite things about our beautiful
5 state are our people, who truly care about each
6 other, and prove to the nation how resilient we are
7 any time we face disasters that come our way. And of
8 course, being a Louisianian, I love our food. I'm a
9 graduate of Sulphur High School and McNeese State
10 University in Lake Charles.

11 In 2020, Hurricane Laura completely
12 destroyed our home as a tornado tore through our
13 neighborhood. It took us two and a half years to
14 rebuild and move back into our home. During this
15 time, I truly learned the meaning of community, as
16 our people stepped up in so many ways to help us,
17 just as we had stepped up for others in our state in
18 the past.

19 As a teacher, I care about all aspects of
20 my students' lives, not just their presence in my
21 classroom. I guess that is why I see what I do as
22 more of a calling than just a job. The vast
23 majority of our students' families depend on the oil
24 and gas industry as their major means of support.
25 Our economy's largest contributor is the oil and gas

1 industry, through jobs, community involvement, and
2 school partnerships and mentorships.

3 As a teacher and a mother, my biggest
4 concern for my children, my students, and future
5 generations is being able to obtain good jobs. Jobs
6 that will allow them to take care of their families.
7 I want to see them have the option to continue to
8 live and prosper in their hometown. I don't want
9 them to have to move to other states in order to
10 survive. I remember when I was young, our local
11 economy took a downturn, and there was a bumper
12 sticker on many cars that said, "Last one out of
13 Lake Charles please turn out the lights."

14 That upset me so much, because I'm a
15 hometown girl and I love where I live. I never want
16 future generations to face that issue.

17 I support carbon capture and the oil and
18 gas industry because I know how important these
19 things are for our state and our people. I also
20 know the care that is taken to ensure that our
21 environment is taken care of by our industries,
22 after having been married to a petroleum worker for
23 over 20 years. And that is so important to me as an
24 outdoor lover.

25 This industry provides so many jobs and

1 the livelihoods of so many of our people. Our state
2 truly is dependent on this industry, and as a
3 teacher, I have no idea where the schools in our
4 area would get funding without our local oil and gas
5 industry. As a Louisianan, a wife of an oil and gas
6 employee, and especially as a mom, I urge you to
7 support Class VI primacy.

8 Thank you so much for your time and
9 attention. I appreciate it.

10 **MR. ARMENDARIZ:** Thank you.

11 Sir, you're here to speak as well?

12 **SAMUEL MESUCH:** Yes. Give me a second.

13 I'm nervous.

14 **MR. ARMENDARIZ:** Okay. That's okay.

15 **SAMUEL MESUCH:** And I have three minutes,
16 but, um -- my name is Samuel Mesuch.

17 **MR. ARMENDARIZ:** Let us know when you're
18 ready, sir.

19 **SAMUEL MESUCH:** All right, sir.

20 I'm a 34-year resident of Sulphur,
21 Louisiana, settling here from Pennsylvania after
22 serving in the 82nd Airborne. I retired from
23 Westlake Petrochemical Company, the only company
24 I've ever worked for. After 32 years as a
25 millwright, my family and I are sports fanatics. We

1 love all sports, but we especially love to cheer for
2 the New Orleans Saints, New Orleans Pelicans, and
3 LSU Tigers, and the Sulphur Golden Tors. Also,
4 thank God for Joe Burrow, because now we're
5 Cincinnati Bengals fans.

6 I also love being outdoors, just hunting
7 and fishing. My favorite thing about Louisiana and
8 the city of Sulphur is the people of our town. Our
9 town motto is "Faith, family and community," which
10 perfectly describes the things I most valuable
11 (sic). My parents passed away ten days apart when I
12 was 13 years old. This tragedy resulted in the
13 emphasis I place on my family and my community. I
14 was forced to grow up very quickly and become self-
15 reliant. The importance of family and community and
16 self-reliance are traits I work extremely hard to
17 install in my children. I am a graduate of
18 Whitehall High School, where I played football and
19 wrestled, and Thaddeus Stevens University of
20 Pennsylvania, and I was on a football scholarship.

21 I truly believe in doing what I can to
22 support others. As a retired petrochemical
23 employee, I definitely understand the needs for
24 Louisiana's oil and gas industry, especially in my
25 community. In our area, the vast majority of our

1 residents depend on oil and gas industry to support
2 their families, whether they're personal workers in
3 the industry, or have jobs related -- retail
4 workers, service industry workers, et cetera, who
5 benefit from the oil and gas industry workers
6 frequenting the places of business.

7 The loss of this industry would be
8 devastating to our local people and our economy. I
9 support carbon capture and the oil and gas industry
10 because its economical impact in our state and our
11 people.

12 As a veteran of the petrochemical
13 industry, I know the extreme, immense actions that
14 are taken to ensure the protection of our
15 environment, which is extremely important to me as
16 an outdoorsman who loves taking advantage of our
17 Sportsman's Paradise. I truly believe that oil and
18 gas industry is a win-win for both our state economy
19 and our environment.

20 I also definitely support primacy for our
21 state. The State of Louisiana has all the
22 requirements to do this on our own without any help
23 from federal government. We could be a trailblazer
24 as a model for other states to follow.

25 **MR. ARMENDARIZ:** Thank you, Mr. Mesuch.

1 **SAMUEL MESUCH:** Oh, I'm sorry.

2 **MR. ARMENDARIZ:** Unfortunately we ran out
3 of time.

4 **SAMUEL MESUCH:** Okay. I urge you to
5 support Class VI primacy.

6 **MR. ARMENDARIZ:** Thank you.

7 **LUCIE MESUCH:** Thank you so very much for
8 your time and attention.

9 **MR. ARMENDARIZ:** You're very welcome.

10 (Off record at 4:40 p.m.)

11 (On record at 5:04 p.m.)

12 **MR. ARMENDARIZ:** Good afternoon. It's
13 5:05. This session is adjourned until 6.

14 Thank you.

15 (Off record at 5:05 p.m.)

16 (On record at 6:00 p.m.)

17 **MR. ARMENDARIZ:** Okay. The afternoon
18 hearing is now in session.

19 Is there a Mr. Kendrick Johnson?

20 **SPEAKER:** Yes.

21 **MR. ARMENDARIZ:** Mr. Johnson, please spell
22 your name. And for the record -- yes, you may have a
23 seat. Please keep in mind you only have three
24 minutes, okay, sir?

25 **KENDRICK JOHNSON:** Yes, sir.

1 **MR. ARMENDARIZ:** Okay.

2 **KENDRICK JOHNSON:** My name is Kendrick
3 Johnson, K-E-N-D-R-I-C-K, Johnson, J-O-H-N-S-O-N.

4 **MR. ARMENDARIZ:**

5 Okay.

6 **KENDRICK JOHNSON:** My name is Kendrick
7 Johnson. I live in Louisiana all my life, and I
8 work in the oil and gas industry for a total of 14
9 years now. I'm currently a resident of Lafayette,
10 Louisiana. When I'm not working, I enjoy riding my
11 motorcycle all across Louisiana. I think that our
12 values are a lot in common, being that I work as a
13 safety professional in the oil and gas industry.

14 As with all the work we do in oil and gas,
15 I assure you the majority of the people who work in
16 the industry always strive to protect our
17 environment and protect the jobs that provide for
18 both our families and the community.

19 I support carbon capture because it not
20 only would provide more job opportunities for my
21 community, but also provide a way for us to do our
22 part in protecting the environment for generations
23 to come. As a Louisiana native, and a health,
24 safety, and environmental professional, I urge you
25 to approve Louisiana's application for Class VI

1 primacy.

2 Thank you.

3 **MR. ARMENDARIZ:** Thank you, sir.

4 Okay. Is there a Robin Wilson? Robin
5 Wilson? Alisa Tiwari? Alisa Tiwari? Hali Doty?
6 Justin Lyons? Kati Frederick? Cynthia Shepard?
7 Kaitlyn Joshua? Veronica Gordon? Dinell Gordon?
8 Michelle Devillier? Michael Perrin? Blake Pierce?
9 Omar Sanders? Louis Vincent? Aimee Long? Brenda
10 Higginbotham? Lacy Pope? Howell Tubre? Stephanie
11 Lucas? Patricia Talaugon? Bryant Billiot? Robert
12 Hilburn? Excuse me, Robert Hilburn. Janice Hardy?
13 Vernie Kennedy? Dewey Desselle? Paula Lawrence-
14 Brown? And Craig Rev.

15 Is there anybody who is out there wanting
16 to speak today that I didn't call your name?

17 **(No response.)**

18 **MR. ARMENDARIZ:** Okay, everybody. I guess
19 we'll wait until we get more speakers, okay? Thank
20 you.

21 **(Off record at 6:05 p.m.)**

22 **(On record at 7:58 p.m.)**

23 **MR. JOHNSON:** Well, this was day one of a
24 three-day hearing, and I want to thank everybody who
25 came, and especially those who stayed till the very

1 end. Tomorrow we will be using our pre-registered
2 speaker list, and what we will do is just go through
3 who's registered for each session until we've
4 exhausted all the names, and then we will reach out
5 to people who are in the room who may have just
6 walked in but want to speak, and make sure we give
7 everybody every opportunity to participate by giving
8 their comments.

9 And with that, we'll close this session
10 and the first day. Thank you for your time.

11 **(Concluded at 8:00 p.m.)**

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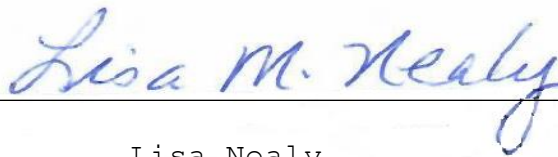
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CERTIFICATE

I, Lisa Nealy, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of July, 2023.

A handwritten signature in blue ink that reads "Lisa M. Nealy". The signature is written in a cursive style and is positioned above a horizontal line.

Lisa Nealy

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