

UNDERGROUND INJECTION CONTROL (UIC)

OVERVIEW

BCLP's Underground Injection Regulatory Team includes lawyers with more than 30 years of experience in environmental law and regulation and has represented more than 35 companies using underground injection technologies for a broad range of activities, running the gamut from the mining of uranium, salt and other minerals, through natural gas storage, and oil and gas production to a broad variety of waste disposal activities, including the safe disposal of hazardous wastes into deep saline formations. Members of the team have worked with operators using every class of injection well under the United States Environmental Protection Agency (EPA) Underground Injection Control (UIC) program at more than 50 different sites and have worked with injection technology operators throughout the United States and in the Middle East. Currently, team members are representing a number of groups and individual companies on the development of legislative and regulatory frameworks at the federal, state and international levels for carbon capture and geologic storage or sequestration (CCS) and on permitting and approvals for individual projects on both experimental/demonstration and commercial scales.

Specifically, BCLP lawyers have experience with:

- Developing joint comments on EPA's proposed UIC rule under the Safe Drinking Water Act (SDWA) for geologic sequestration (GS) filed on behalf of a multi-stakeholder group that included industry groups, companies, environmental non-governmental organizations (ENGOs) and associations of state UIC program administrators.
- Representing the Carbon Sequestration Council CCS Contact Group, trade associations, and companies on EPA's development of the proposed GS rule.
- Counseling companies on the development and permitting of CCS projects.
- Representing the State of Texas in competing for the FutureGen contract award.
- Counseling and representing companies on the development and permitting of uranium in situ leach recovery (ISR) projects.
- Providing legislative advocacy on a number of different issues, including advocacy that helped obtain passage of the Land Disposal Program Flexibility Act of 1996 (which exempted Class I non-hazardous well operators from having to comply with the onerous regulatory requirements

for hazardous waste injection wells when injecting characteristic hazardous wastes rendered non-hazardous prior to injection).

- Assisting with state and Federal policy development, rulemaking and regulatory advocacy on the promulgation and implementation of UIC program regulations by EPA and several states, and the promulgation and implementation of the Federal hazardous waste disposal injection restriction regulations providing key exemptions for Class I hazardous waste injection wells under the land disposal restriction provisions of the Hazardous and Solid Waste Amendments of 1984 (“HSWA”).
- Participating in regulatory negotiations to develop proposed UIC program revisions for Class I and Class II injection wells and stakeholder proceedings for the development of draft and proposed Class V rules.
Obtaining UIC permits or authorizations for Class I, Class II, Class III, and Class V injection wells, including prosecuting permit appeals through State administrative and judicial processes as well as through the United States Environmental Protection Agency (EPA) Environmental Appeals Board and federal courts.
- Obtaining judicial review of EPA and state UIC program rulemaking.
- Defending UIC permits and land disposal prohibition exemptions against administrative and judicial challenges by opponents seeking denial of the permits or exemptions.
- Providing permit and regulatory compliance counseling under state and Federal law.
- Defending civil and criminal enforcement actions for alleged UIC program permit or regulatory violations.
- Defending injection well operators against civil actions alleging toxic torts, trespass, and unconstitutional taking of property.
- Facilitating the acceptance of injection well technology as a means to address environmental and sustainability issues, including site remediation activities, slurry injection of solids and carbon dioxide geosequestration.

MEET THE TEAM



Lee Marshall

Global Department Leader – Litigation
& Investigations, San Francisco

lee.marshall@bcplaw.com

+1 415 675 3444



Mark Richards

Partner and Regional Practice Group
Leader - Energy, Environment and
Infrastructure, London

mark.richards@bcplaw.com

+44 (0) 20 3400 4603



Liz Blackwell

Partner, St. Louis

liz.blackwell@bclplaw.com

[+1 314 259 2513](tel:+13142592513)



Paul J. Lopach

Partner, Denver

paul.lopach@bclplaw.com

[+1 303 866 0207](tel:+13038660207)



Bryan E. Key

Partner and Global Practice Group
Leader - Energy, Environment and
Infrastructure, Chicago

bryan.keyt@bclplaw.com

[+1 312 602 5036](tel:+13126025036)

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