



## RESOLUTION 23.053

### **Urging the United States Congress to Direct the Department of the Interior to Follow Statutory Language in All Phases of Implementation of Section 40601 of the Infrastructure Investment and Jobs Act**

**WHEREAS**, the Infrastructure Investment and Jobs Act provides federal funds for states to plug orphaned wells under the rules and regulations of each participant state’s existing program; and

**WHEREAS**, twenty-six states submitted a “Notice of Intent to Apply” in 2021 that documented 126,806 orphaned wells across the nation with a total anticipated cost to plug those orphaned wells of \$8,051,668,380 in 2021; and

**WHEREAS**, Department of Interior Secretary Haaland stated on January 31, 2022, “The Department is taking a thoughtful and methodical approach to implementing the orphaned oil and gas well program that aims to get money to states as quickly as possible while being responsible stewards of taxpayer dollars”;<sup>1</sup> and

**WHEREAS**, orphaned wells and well sites may pose a risk to the environment, public health, and safety if not properly plugged and restored; and

**WHEREAS**, draft grant guidance for the Formula Grant program released by the Department of the Interior on January 30, 2023 included administratively burdensome program requirements that exceed the authority of the statutory language; and

**WHEREAS**, grant guidance from the Department of the Interior for the Performance Grant program remains forthcoming; and

**WHEREAS**, additional administratively burdensome requirements not expressly required in statute will increase the cost to plug an orphaned well, thereby reducing the total number of wells that may be plugged with Section 40601 funding; and

**WHEREAS**, Section 40601 grant funds to existing state orphaned well plugging programs can achieve greater environmental and economic benefits for local communities and address

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<sup>1</sup> U.S. Department of Interior Press Release: Biden Administration Announces \$1.15 Billion for States to Create Jobs Cleaning Up Orphaned Oil and Gas Wells January 31, 2022 <https://www.doi.gov/pressreleases/biden-administration-announces-115-billion-states-create-jobs-cleaning-orphaned-oil>




potential environmental harms if the Department of the Interior maintains the flexibility envisioned in the statutory language; and

**WHEREAS**, the Interstate Oil and Gas Compact Commission (IOGCC) mission to champion the conservation and efficient recovery and storage of domestic oil and natural gas resources while protecting human health and safety and the environment correlates with the purposes of this implementation request; and

**WHEREAS**, at its Annual Business Meeting held in May 2023, IOGCC discussed the need for states to maintain flexibility as envisioned by the statutory language in the implementation of federal grants for orphaned well plugging alongside their existing orphaned well plugging programs.

**NOW, THEREFORE, BE IT RESOLVED THAT**, IOGCC does hereby urge the United States Department of the Interior to follow statutory language in all phases of implementation of Section 40601 of the Infrastructure Investment and Jobs Act; and does hereby support and endorse any and all actions by Congress to ensure states are provided the necessary flexibility and deference to utilize these grant funds in accordance with existing state programs for the purpose of plugging and restoring as many orphaned wells and well sites as possible; and further requests that the members of the congressional delegation of each IOGCC state take action as necessary to achieve this objective.

I certify that this is a true and correct copy of the resolution adopted by the Commission on May 24, 2023.

  
Lori Wrotenbery  
Executive Director  
Interstate Oil and Gas Compact Commission

