

Attachment 2

From: [Jen Powis](#)
To: [Lesette Soria](#)
Subject: FW: Exxon Class VI wells: EAB Docket No: EPA-R06-OW-2025-0421
Date: Thursday, January 8, 2026 9:42:41 AM

For file and exhibit to petition for review.

From: Przyborski, Jay <Przyborski.Jay@epa.gov>
Sent: Tuesday, January 6, 2026 4:17 PM
To: Ryland, Renea <Ryland.Renea@epa.gov>; Jen Powis <jpowis@earthjustice.org>; Mullee, Alec <Mullee.Alec@epa.gov>
Subject: RE: Exxon Class VI wells: EAB Docket No: EPA-R06-OW-2025-0421

External Sender

Jen,

Thank you for sharing your draft motion.

We do not agree with your motion because, as we explained in our December 16th call, we do not see clear authority in the regulations for the EAB to transfer an appeal to a state tribunal. That said, we are comfortable with your motion stating that you have consulted with EPA, and EPA has confirmed the following:

1. The Texas Railroad Commission, not EPA, is now the UIC Class VI permitting authority in Texas,
2. EPA has appropriately transferred materials pertaining to the subject permitting matters to the Texas Railroad Commission, and
3. EPA agrees the federal permits are not effective and will not become effective because the State of Texas has UIC Class VI primacy.

Please let us know if you would like to discuss further. Thank you and Happy New Year,
Jay

Jay Przyborski | Assistant Regional Counsel
Office of Regional Counsel | EPA Region 6 | 214.665.6605

From: Ryland, Renea <ryland.renea@epa.gov>
Sent: Monday, January 5, 2026 10:22 AM
To: Przyborski, Jay <Przyborski.Jay@epa.gov>
Subject: FW: Exxon Class VI wells: EAB Docket No: EPA-R06-OW-2025-0421

From: Jen Powis <jpowis@earthjustice.org>
Sent: Monday, December 22, 2025 12:49 PM
To: Ryland, Renea <ryland.renea@epa.gov>
Cc: Mullee, Alec <mullee.alec@epa.gov>; Bergeron, Tyler <bergeron.tyler@epa.gov>; Lesette Soria

<lsoria@earthjustice.org>

Subject: Exxon Class VI wells: EAB Docket No: EPA-R06-OW-2025-0421

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Dear Renea,

While Region 6 is in general agreement that the Class VI well permits at issue are stayed (not final) and that permitting authority is now transferred to the state of Texas, EPA was initially hesitant to agree to a proposed motion to transfer the EAB appeal to the state. We also discussed that it would be difficult during the holiday period to discuss this further.

Please find attached a draft motion to transfer for your review that the Cheek Texas Community Association will file simultaneously with its Petition for Review in the EAB docket in the new year.

If I do not hear back from you by January 6th, I will assume that EPA does not agree to the motion. If EPA would like to propose something else, however, I would welcome that discussion.

I'm generally out until the new year, but will be checking email. I wish you all happy holidays, and look forward to connecting again soon.

Best wishes,

Jen Powis
Managing Attorney
Earthjustice
earthjustice.org



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